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DEPARTMENT OF THE INTERIOR
FRANKLIN K. LANE, Secretary

BUREAU OF PENSIONS
GAYLORD M. SALTZGABER, Commissioner

LAWS OF THE UNITED STATES

GOVERNING THE GRANTING OF

ARMY AND NAVY PENSIONS

TOGETHER WITH REGULATIONS
RELATING THERETO

CORRECTED TO MARCH 4, 1919

Compiled Under the Direction of the Commissioner of Pensions
and Published in Accordance with the Provisions
of Section 4748, Revised Statutes

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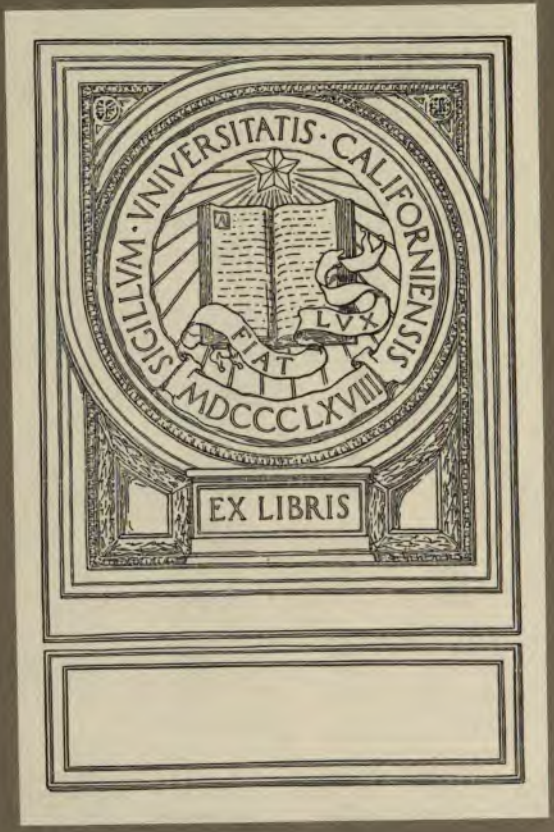
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FOREWORD.

By the provisions of section 4748, Revised Statutes, the Commissioner of Pensions is required to furnish printed instructions and forms necessary in obtaining pension, bounty-land, or other allowance required by law to be adjusted or paid by the Pension Office.

Much important pension legislation has been enacted since the last compilation of the pension laws was published, and, inasmuch as that edition is practically exhausted, the necessity for a new publication embodying all such legislation is apparent.

The present edition has been carefully compiled by the Commissioner with the assistance of Mr. T. Fletcher Dennis, the law clerk of the Bureau, and Mr. Stephen A. Cuddy, principal examiner and formerly law clerk.

This publication includes all new legislation on the subject of pensions to March 4, 1919.

G. M. SALTZGABER,
Commissioner.

[For Acts passed since January 1, 1916, see Supplement, p. 149.]

CHAPTER I.

ADMINISTRATIVE ORGANIZATION.

Section 437, Revised Statutes, relates to the creation of the Department of the Interior and the apointment of a Secretary of the Interior to be the head thereof.

Section 441, Revised Statutes, vests in the Secretary of the Interior jurisdiction over pensions and bounty land.

Section 169, Revised Statutes, authorizes the appointment of departmental employees.

Section 470, Revised Statutes, relates to the appointment of a Commissioner of Pensions.

Section 471, Revised Statutes, defines duties of the Commissioner of Pensions.

Section 472, Revised Statutes, relates to the appointment of a Deputy Commissioner of Pensions and defines his duties.

Sections 173 and 174, Revised Statutes, define duties of each chief clerk in departments and bureaus and other offices connected with departments.

Act August 29, 1890 (26 Stat. L., 371), authorizes and directs chief clerks of the executive departments and of the bureaus and offices thereof in Washington, D. C., on application and without compensation therefor, to administer oaths of office to employees required to be taken on their appointment or promotion.

Act August 8, 1882, amending section 4766, Revised Statutes (22 Stat. L., 373), authorizes the Commissioner of Pensions, when in his judgment it is deemed necessary or proper, to visit in person, for purpose of examination and inspection, or send any one or more of the officers of his bureau for that purpose, any of the medical examining boards or surgeons.

Act May 22, 1908 (35 Stat. L., 244), provides that expenses of certain employees of the executive departments and other Government establishments in Washington, D. C., who are sent to points outside of the District of Columbia, shall be reported to Congress at the beginning of each regular session.

Act June 22, 1906 (34 Stat. L., 449), prohibits any clerk or other employee in the classified service in any of the executive departments being transferred from one department to another department until such clerk or other employee shall have served for a term of three years in the department from which he desires to be transferred, and restricts the detail of civil employees to the departments from outside of the District of Columbia.

Section 1784, Revised Statutes, prohibits the solicitation of contributions from officers, clerks, or employees for a present to those in

a superior official position, and provides that such officials or clerical superiors shall not receive any gift or present offered or presented to them from persons in the Government employ receiving a less salary than themselves, and that no officer or clerk shall make any donation as a gift or present to any official superior. The penalty for violation of such provisions is dismissal from the Government employ.

Act August 29, 1890 (26 Stat. L., 371), provides that no officer, clerk, or employee of any executive department, who is a notary public or other officer authorized to administer oaths, shall charge or receive any fee or compensation for administering oaths of office to employees of such department required to be taken on appointment or promotion.

DETAIL OF CLERKS TO MAKE SPECIAL EXAMINATIONS.

ACT JULY 25, 1882, AMENDING SECTION 4744, REVISED STATUTES (22 STAT. L., 175).

"SEC. 4744. The Commissioner of Pensions is authorized to detail from time to time clerks or persons employed in his office to make special examinations into the merits of such pension or bounty land claims, whether pending or adjudicated, as he may deem proper, and to aid in the prosecution of any party appearing on such examinations to be guilty of fraud, either in the presentation or in procuring the allowance of such claims; and any person so detailed shall have power to administer oaths and take affidavits and depositions in the course of such examinations, and to orally examine witnesses, and may employ a stenographer, when deemed necessary by the Commissioner of Pensions, in important cases, such stenographer to be paid by such clerk or person, and the amount so paid to be allowed in his accounts."

POWERS AND DUTIES OF SPECIAL EXAMINERS.

ACT OF MARCH 3, 1891 (26 STAT L., 1083).

That the same power to administer oaths and take affidavits, which by virtue of section forty-seven hundred and forty-four of the Revised Statutes is conferred upon clerks detailed by the Commissioner of Pensions from his office to investigate suspected attempts at fraud on the Government through and by virtue of the pension laws, and to aid in prosecuting any person so offending, shall be, and is hereby, extended to all special examiners or additional special examiners employed under authority of Congress to aid in the same purpose.

REPORTS OPEN TO INSPECTION.

ACT MAY 28, 1908 (35 STAT. L., 419).

* * * The reports of the special examiners of the Bureau of Pensions shall be open to inspection and copy by the applicant or his attorney, under such rules and regulations as the Secretary of the Interior may prescribe.

AUTHORITY OF CERTAIN CLERKS TO ADMINISTER OATHS.

ACT FEBRUARY 13, 1911, AMENDING SECTION 183, REVISED STATUTES (36 STAT. L., 898).

"SEC. 183. Any officer or clerk of any of the departments lawfully detailed to investigate frauds on, or attempts to defraud, the Government, or any irregularity or misconduct of any officer or agent of the United States, and any officer of the Army, Navy, Marine Corps or Revenue-Cutter Service, detailed to conduct an investigation, and the recorder, and if there be none the presiding officer, of any military, naval, or Revenue-Cutter Service board appointed for such purpose, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation."

SUBPŒNAS FOR WITNESSES.

SECTION 184, REVISED STATUES.

Any head of a Department or Bureau in which a claim against the United States is properly pending may apply to any judge or clerk of any court of the United States, in any State, District, or Territory, to issue a subpœna for a witness being within the jurisdiction of such court, to appear at a time and place in the subpœna stated, before any officer authorized to take depositions to be used in the courts of the United States, there to give full and true answers to such written interrogatories and cross-interrogatories as may be submitted with the application, or to be orally examined and cross-examined upon the subject of such claim.

COMPENSATION OF WITNESSES.

SECTION 185, REVISED STATUTES.

Witnesses subpœnaed pursuant to the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States.

COMPELLING TESTIMONY.

SECTION 186, REVISED STATUTES.

If any witness, after being duly served with such subpœna, neglects or refuses to appear, or, appearing, refuses to testify, the judge of the district in which the subpœna issued may proceed, upon proper process, to enforce obedience to the subpœna, or to punish the disobedience, in like manner as any court of the United States may do in case of process of subpœna ad testificandum issued by such court.

PROFESSIONAL ASSISTANCE; HOW OBTAINED.

SECTION 187, REVISED STATUTES.

Whenever any head of a Department or Bureau having made application pursuant to section one hundred and eighty-four, for a subpœna to procure the attendance of a witness to be examined, is of opinion that the interests of the United States require the attendance

of counsel at the examination, or require legal investigation of any claim pending in his Department or Bureau, he shall give notice thereof to the Attorney-General, and of all facts necessary to enable the Attorney-General to furnish proper professional service in attending such examination, or making such investigation, and it shall be the duty of the Attorney-General to provide for such service.

ADDITIONAL AUTHORITY FOR SUBPŒNA FOR WITNESSES.

ACT JULY 25, 1882 (22 STAT. L., 175).

That in addition to the authority conferred by section one hundred and eighty-four, title four of the Revised Statutes, any judge or clerk of any court of the United States in any State, District, or Territory shall have power, upon the application of the Commissioner of Pensions, to issue a subpœna for a witness, being within the jurisdiction of such court, to appear, at a time and place in the subpœna stated, before any officer authorized to take depositions to be used in the courts of the United States, or before any officer, clerk, or person from the Pension Bureau designated or detailed to investigate or examine into the merits of any pension claim and authorized by law to administer oaths and take affidavits in such investigation or examination, there to give full and true answers to such written interrogatories and cross interrogatories as may be propounded, or to be orally examined and cross-examined upon the subject of such claim; and witnesses subpœnaed pursuant to this and the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States, and paid in the same manner.

CHAPTER II.

PENSIONS BASED ON SERVICE PRIOR TO MARCH 4, 1861.

The act of March 16, 1802 (2 Stat. L., 135), provided pensions for certain officers and soldiers in the peace establishment, disabled in line of duty.

The act of April 24, 1816 (3 Stat. L., 296), provided varying rates of pension for officers of different ranks, and included in the benefits of the pension laws soldiers of the militia while in the service of the United States.

The act of March 19, 1836 (5 Stat. L., 7), extends benefits to volunteers or militia called into service of United States to suppress Indian depredations in Florida (sec. 1657 R. S.).

Section 4728, Revised Statutes, provides pensions for officers and men of the Navy and marines, disabled in line of duty, and fixes certain relative ranks.

Section 4729, Revised Statutes, provides pension for widows and children of those mentioned in the preceding section, who have died in the service in line of duty.

Section 1656, Revised Statutes, provides for half the monthly pay for five years, to the widows or children of officers and men in the service of the United States, who die at any time from wounds received in the service.

Sections 4725, 4726, 4727, and 4732 relate to half pay pensions to widows and children of officers and men of the regulars, militia and volunteers of the War of 1812, and various Indian wars since 1790.

REVOLUTIONARY WAR.

Section 1, act April 10, 1806 (2 Stat. L., 376), provided pensions for known wounds incurred by those who rendered service in said war. Section 4 of this act fixed the date of commencement of pension, and section 6 fixed the rates of pension.

Acts April 25, 1812 (2 Stat. L., 719); May 15, 1820 (3 Stat. L., 597); February 4, 1822 (3 Stat. L., 650); and May 24, 1828 (4 Stat. L., 307), continued in full force and effect the provisions of the above-cited act until May 24, 1828.

Act March 18, 1818 (3 Stat. L., 410), made provision for granting a service pension to soldiers and sailors who were in indigent circumstances, and act March 1, 1823 (3 Stat. L., 783), fixed the date of commencement of such pension.

Act May 15, 1828 (4 Stat. L., 269), granted a service pension to officers, noncommissioned officers, and privates who enlisted during the war and continued in service until its termination, but barred

those from receiving its benefits who were then on the pension roll. This limitation was by act May 31, 1830 (4 Stat. L., 426), removed as to officers, and by act July 14, 1832 (4 Stat. L., 600), as to noncommissioned officers, musicians, and privates.

Act June 7, 1832 (4 Stat. L., 529), was the third act passed granting a service pension to surviving officers and men of the Army, Navy, and Marine Corps who served for two years, and who were not entitled to pension under the act of May 15, 1828, to commence March 4, 1831, and to continue during life; and to those serving less than two years but not less than six months, former pensions, however, to be relinquished. This limitation was removed by act February 19, 1833 (4 Stat. L., 612), and construed not to embrace invalid pensioners.

Acts July 4, 1836 (Stat. L., 128), and March 3, 1837 (5 Stat. L., 187), and resolution July 7, 1838 (5 Stat. L., 311), granted pensions to widows of certain officers and men who served in the Army, Navy, and Marine Corps, as mentioned in the act of June 7, 1832, but placed a limitation as to date of marriage.

Acts February 2, 1848 (9 Stat. L., 210); July 29, 1848 (9 Stat. L., 265); and February 3, 1853 (10 Stat. L., 154), extended, and the act of February 28, 1855 (10 Stat. L., 616), removed this limitation as regards date of marriage.

By the joint resolution of July 1, 1848 (9 Stat. L., 336, now sec. 4743, R. S.), the evidence upon which a pension was granted to an officer or soldier of the Revolution in his lifetime was made conclusive as to the service of such person in any claim for pension filed by his widow; and upon proof by her that she was married to such officer or soldier, and of her widowhood, she became entitled to have her name placed on the pension roll at the same rate that such officer or soldier received during his lifetime.

By the act of April 2, 1862 (12 Stat. L., 376, now sec. 4742, R. S.), no claim for pension or increase of pension could thereafter be allowed in the case of the widow, children, or other descendants of any person who served in the Revolution, when such person or his widow died without having established a claim for pension.

WAR OF 1812.

Section 14, act January 11, 1812 (2 Stat. L., 673); section 5, act February 6, 1812 (2 Stat. L., 677); section 1, act April 16, 1816 (3 Stat. L., 286); section 2, act August 2, 1813 (3 Stat. L., 74); and act April 14, 1842 (5 Stat. L., 437), granted invalid pensions to officers and men of the Regular Army and the militia who were wounded or otherwise disabled and to those warriors of the Cherokee Nation and the Southern Indians who were wounded during the War of 1812.

By the act of February 14, 1871 (16 Stat. L., 411, now incorporated in sections 4736–4740, R. S.), pensions were granted to the surviving officers and enlisted and drafted men, including militia and volunteers, of the military and naval service of the United States who served 60 days in the War of 1812 and were honorably discharged, and to such other officers and men, having less than 60 days' service, as had been personally named in any resolution of Congress for any specific service in that war, and the surviving widows of such per-

sons, provided they were married to the husbands through whom pension is claimed prior to the treaty of peace which terminated said war.

REVOLUTIONARY WAR AND WAR OF 1812.

ACT MARCH 9, 1878 (20 STAT. L., 27).

SECTION 1. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the names of the surviving officers and enlisted and drafted men, without regard to color, including militia and volunteers, of the military and naval service of the United States, who served for fourteen days in the war with Great Britain of eighteen hundred and twelve, or who were in any engagement and were honorably discharged, and the surviving widows of such officers and enlisted and drafted men.

SEC. 2. That this act shall not apply to any person who is receiving a pension at the rate of eight dollars per month or more, nor to any person receiving a pension of less than eight dollars per month, except for the difference between the pension now received (if less than eight dollars per month) and eight dollars per month. Pensions under this act shall be at the rate of eight dollars per month, except as herein provided, and shall be paid to the persons entitled thereto, from and after the passage of this act, for and during their natural lives: *Provided*, That the pensions to widows provided for in this act shall cease when they shall marry again.

SEC. 3. That before the name of any person shall be placed upon the pension-rolls under this act proof shall be made, under such rules and regulations as the Commissioner of Pensions, with the approval of the Secretary of the Interior, shall prescribe, that the applicant is entitled to a pension under this act; and any person who shall falsely take any oath required to be taken under the provisions of this act shall be guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the rolls the name of any person when it shall appear, by proof satisfactory to him, that such name was put on said rolls by or through false or fraudulent representations, or by mistake as to the right of such person to a pension under this act. The loss or lack of a certificate of discharge shall not deprive the applicant of the benefit of this act, but other proof of the service performed and of an honorable discharge, if satisfactory, shall be deemed sufficient; and when there is no record evidence of such service and such discharge, the applicant may establish the same by other satisfactory testimony: *Provided*, That when any person has been granted a land-warrant under any act of Congress for and on account of service in the said war of eighteen hundred and twelve, such grant shall be prima facie evidence of his service and honorable discharge, so as to entitle him, if living, or his widow, if he be dead, to a pension under this act; but such evidence shall not be conclusive, and may be rebutted by evidence that such land-warrant was improperly granted.

SEC. 4. That all applications for pensions of the classes provided for in this act heretofore or which may hereafter be made shall be considered and decided as though made under this act; and all laws now in force in regard to the manner of paying pensions, and in reference

to the punishment of frauds, shall be applicable to all claims under the provisions of this act.

SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension rolls the names of all persons now surviving heretofore pensioned on account of service in the war of eighteen hundred and twelve against Great Britain, or for service in any of the Indian wars, and whose names were stricken from the rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the government, or who have in any manner encouraged the rebels," approved February fourth, eighteen hundred and sixty-two; and that the joint resolution entitled "Joint resolution prohibiting payment by any officer of the government to any person not known to have been opposed to the rebellion and in favor of its suppression," approved March second, eighteen hundred and sixty-seven, and section forty-seven hundred and sixteen of the Revised Statutes of the United States, shall not apply to the persons provided for by this act: *Provided*, That no money shall be paid to anyone on account of pensions for the time during which his name remained stricken from the rolls.

SEC. 6. That the surviving widow of any pensioner of the war of eighteen hundred and twelve where the name of said pensioner was stricken from the pension-rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the government, or who have in any manner encouraged the rebels," approved February fourth, eighteen hundred and sixty-two, and where, under the existing provisions of law, said pensioner died without his name being restored to the rolls, shall be entitled to make claim for a pension as such widow after the passage of this act: *Provided*, That no such arrearages shall be paid for any period prior to the time of the removal of the disability of the pensioner, as provided in section five: *And provided further*, That under this act any widow of a revolutionary soldier who served for fourteen days or was in any engagement shall be placed upon the pension-rolls of the United States, and receive a pension at the rate of eight dollars per month.

SEC. 7. That all laws and clauses of laws in conflict with this act be, and they are hereby, repealed.

INDIAN WARS PRIOR TO MARCH 4, 1861.

Section 4, act January 2, 1812 (2 Stat. L., 670), provided pension for officers and men of the Rangers for protection of the frontier of the United States who incurred disabilities by wounds or otherwise during the invasion of any State or Territory by any Indian tribe or tribes.

Section 3, act April 10, 1812 (2 Stat. L., 705), extended pension benefits to those engaged in the campaign on the Wabash.

Section 4, act June 15, 1832 (4 Stat. L., 533), provided for mounted Rangers who incurred disabilities by wounds or otherwise in the Black Hawk War.

Section 5, act May 23, 1836 (5 Stat. L., 33), gave pension benefits to the Volunteers wounded while engaged in the Creek War.

CERTAIN INDIAN WARS FROM 1832 TO 1842.

ACT JULY 27, 1892 (27 STAT. L., 281).

SECTION 1. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval service of the United States, who served for thirty days in the Black Hawk war, the Creek war, the Cherokee disturbances, or the Florida war with the Seminole Indians, embracing a period from eighteen hundred and thirty-two to eighteen hundred and forty-two, inclusive, and were honorably discharged, and such other officers, soldiers, and sailors as may have been personally named in any resolution of Congress, for any specific service in said Indian wars, although their term of service may have been less than thirty days, and the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *Provided further*, That this act shall not apply to any person not a citizen of the United States.

SEC. 2. That pensions under this act shall be at the rate of eight dollars per month, and payable from and after the passage of this act, for and during the natural lives of the persons entitled thereto.

SEC. 3. That before the name of any person shall be placed on the pension roll under this act, proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act. The loss of the certificate of discharge shall not deprive any person of the benefits of this act, but other evidence of service performed and of an honorable discharge may be deemed sufficient.

SEC. 4. That this act shall not apply to any person who is receiving a pension at the rate of eight dollars per month or more, nor to any person receiving a pension of less than eight dollars per month, except for the difference between the pension now received (if less than eight dollars per month) and eight dollars per month.

SEC. 5. That the pension laws now in force, which are not inconsistent or in conflict with this act, are hereby made a part of this act, so far as they may be applicable thereto.

SEC. 6. That section forty-seven hundred and sixteen of the Revised Statutes is hereby repealed, so far as the same relates to this act or to pensioners under this act.

CERTAIN INDIAN WARS FROM 1817 TO 1858.

ACT OF JUNE 27, 1902 (32 STAT. L., 399).

That the provisions, limitations, and benefits of the act entitled "An Act granting pensions to survivors of the Indian wars of eighteen hundred and thirty-two to eighteen hundred and forty-two, inclusive, known as the Black Hawk war, Creek war, Cherokee dis-

turbances, and the Seminole war," approved July twenty-seventh, eighteen hundred and ninety-two, be, and the same are hereby, extended, from the date of the passage of this Act, to the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval service of the United States who served for thirty days or more and were honorably discharged under the United States military, State, Territorial, or provisional authorities in the Florida and Georgia Seminole Indian war of eighteen hundred and seventeen and eighteen hundred and eighteen; the Fevre River Indian war of Illinois of eighteen hundred and twenty-seven; the Sac and Fox Indian war of eighteen hundred and thirty-one; the Sabine Indian disturbances of eighteen hundred and thirty-six and eighteen hundred and thirty-seven; the Cayuse Indian war of eighteen hundred and forty-seven and eighteen hundred and forty-eight, on the Pacific coast; the Florida wars with the Seminole Indians, from eighteen hundred and forty-two to eighteen hundred and fifty-eight, inclusive; the Texas and New Mexico Indian war of eighteen hundred and forty-nine to eighteen hundred and fifty-six; the California Indian disturbances of eighteen hundred and fifty-one and eighteen hundred and fifty-two; the Utah Indian disturbances of eighteen hundred and fifty to eighteen hundred and fifty-three, inclusive, and the Oregon and Washington Territory Indian wars from eighteen hundred and fifty-one to eighteen hundred and fifty-six, inclusive; and also to include the surviving widows of such officers and enlisted men: *Provided*, That such widows have not remarried: *And provided further*, That where there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this Act the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service: *And provided further*, That all contracts heretofore made between the beneficiaries under this Act and pension attorneys and claim agents are hereby declared null and void.[1]

PENSIONS BASED ON SERVICE OF TEXAS VOLUNTEERS, 1855 TO 1860.

ACT MAY 30, 1908 (35 STAT. L., 553).

That the provisions, limitations, and benefits of an Act entitled "An Act granting pensions to survivors of the Indian wars of eighteen hundred and thirty-two to eighteen hundred and forty-two, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July twenty-seventh, eighteen hundred and ninety-two, be, and the same are hereby, extended from the date of the passage of this Act to the surviving officers and enlisted men of the Texas volunteers who served in the defense of the frontier of that State against Mexican marauders and Indian depredations from the year eighteen hundred and fifty-five to the year eighteen hundred and sixty, inclusive; and also to include the surviving widows of such of said officers and enlisted men: *Provided*, That such widows have not remarried: *Provided further*, That where there is no record of enlistment or muster into the service of the United States in the service mentioned in this Act the fact of

[1] By resolution of Apr. 28, 1904, 33 Stat. L., 591, the military rolls and records of the Indian wars or any other wars prior to the Civil War were transferred from the Interior Department to the Record and Pension Office, War Department.

reimbursement to Texas by the United States, as evidenced by the muster rolls and vouchers on file in the War Department, shall be accepted as full and satisfactory proof of such enlistment and service: *And provided further*, That all contracts heretofore made between the beneficiaries under this Act and pension attorneys and claim agents are hereby declared null and void.

PROOF OF CITIZENSHIP.

ACT FEBRUARY 3, 1893 (27 STAT. L., 429).

That the Commissioner of Pensions be, and he is hereby, authorized and directed to accept as sufficient proof of the citizenship of an applicant for pension under said act of July twenty-seven, eighteen hundred and ninety-two, the fact that such applicant at the date of the application was an actual and bona fide resident of the United States.

RATES INCREASED.

ACT FEBRUARY 19, 1913 (37 STAT. L., 679).

That from and after the passage of this Act the rate of pension to surviving soldiers of the various Indian wars who are now on the pension roll or who may hereafter be placed thereon under the Acts of July twenty-seventh, eighteen hundred and ninety-two, June twenty-seventh, nineteen hundred and two, and May thirtieth, nineteen hundred and eight, shall be twenty dollars per month.

WAR WITH MEXICO.

PENSION FOR DISABILITY INCURRED IN SERVICE.

SECTION 4730, REVISED STATUTES, MEXICAN WAR.

Any officer, noncommissioned officer, musician or private, whether of the Regular Army or volunteers disabled by reason of injury received or disease contracted while in the line of duty in actual service in the war with Mexico, or in going to or returning from the same, who received an honorable discharge, shall be entitled to a pension proportionate to his disability, not exceeding for total disability half the pay of his rank at the date at which he received the wound or contracted the disease which resulted in such disability. But no pension shall exceed half the pay of a lieutenant-colonel.

PENSIONS FOR WIDOWS AND CHILDREN WHERE DEATH OF SOLDIER DUE TO SERVICE.

SECTION 4731, REVISED STATUTES, MEXICAN WAR.

If any officer or other person referred to in the preceding section has died or shall hereafter die by reason of any injury received or disease contracted under the circumstances therein set forth, his widow shall be entitled to receive the same pension as the husband would have been entitled to had he been totally disabled; and in case of her death or remarriage, the child or children of such officer or other person referred to in the preceding section, while under the age of sixteen years, shall be entitled to receive the pension. But the rate of pension prescribed by this and the preceding section shall be

varied after the twenty-fifth day of July, eighteen hundred and sixty-six, in accordance with the provisions of section four thousand seven hundred and twelve of this Title.

SERVICE PENSIONS; SURVIVORS AND WIDOWS.

ACT JANUARY 29, 1887 (24 STAT. L., 371).

SECTION 1. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including marines, militia, and volunteers, of the military and naval services of the United States, who being duly enlisted, actually served sixty days with the Army or Navy of the United States in Mexico, or on the coasts or frontier thereof or en route thereto, in the war with that nation, or were actually engaged in a battle in said war, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said war, and the surviving widow of such officers and enlisted men: *Provided*, That such widows have not remarried: *Provided*, That every such officer, enlisted man, or widow who is or may become sixty-two years of age, or who is or may become subject to any disability or dependency equivalent to some cause prescribed or recognized by the pension laws of the United States as a sufficient reason for the allowance of a pension, shall be entitled to the benefits of this act; but it shall not be held to include any person not within the rule of age or disability or dependence herein defined, or who incurred such disability while in any manner voluntarily engaged in or aiding or abetting the late rebellion against the authority of the United States.

SEC. 2. That pensions under section one of this act shall be at the rate of eight dollars per month [1] and payable only from and after the passage of this act, for and during the natural lives of the persons entitled thereto, or during the continuance of the disability for which the same shall be granted: *Provided*, That section one of this act shall not apply to any person who is receiving a pension at the rate of eight dollars per month or more, nor to any person receiving a pension of less than eight dollars per month, except for the difference between the pension now received (if less than eight dollars per month) and eight dollars per month.

SEC. 3. That before the name of any person shall be placed on the pension-roll under this Act, proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fraudulent representations, and that such person is not entitled to a pension under this act. The loss of the certificate of discharge shall not deprive any person of the

[1] Rate of pension to widows increased to $12 per month by sec. 1, act Apr. 19, 1908 (35 Stat. L., 64, c. 147). See p. 47.
Rate of survivors increased by act Jan. 5, 1893, act Apr. 23, 1900, and act Mar. 3, 1903. See also act Feb. 6, 1907, p. 31.

benefits of this act, but other record evidence of enlistment and service and of an honorable discharge may be deemed sufficient: *Provided*, That when any person has been granted a land-warrant, under any act of Congress, for and on account of service in the said war with Mexico, such grant shall be prima facie evidence of his service and honorable discharge; but such evidence shall not be conclusive, and may be rebutted by evidence that such land-warrant was improperly granted.

SEC. 4. That the pension laws now in force which are not inconsistent or in conflict with this act are hereby made a part of this act, so far as they may be applicable thereto.

SEC. 5. That section forty-seven hundred and sixteen of the Revised Statutes is hereby repealed so far as the same relates to this act or to pensioners under this act.

SEC. 6. That the provisions of this act shall not apply to any person while under the political disabilities imposed by the fourteenth amendment to the constitution of the United States.

RATES OF CERTAIN SOLDIERS INCREASED FROM $8 TO $12 PER MONTH.

ACT JANUARY 5, 1893 (27 STAT. L., 413).

That the Secretary of the Interior be, and he is hereby, authorized to increase the pension of every pensioner who is now on the rolls at eight dollars per month on account of services in the Mexican war and who is wholly disabled for manual labor, and is in such destitute circumstances that eight dollars per month are insufficient to provide him the necessaries of life, to twelve dollars per month.

RATES—INCREASE.

ACT APRIL 23, 1900 (31 STAT. L., 137).

That the benefits of the act entitled "An Act granting increase of pension to soldiers of the Mexican war in certain cases," approved January fifth, eighteen hundred and ninety-three, be, and they are hereby, extended to all survivors of the Mexican war who are pensionable under existing Mexican war service pension laws, and who have become or may hereafter become wholly disabled for manual labor and in such destitute circumstances that eight dollars per month are insufficient to provide them the necessaries of life, irrespective of the date of the granting of the said service pension.

RATES—INCREASE.

ACT MARCH 3, 1903 (32 STAT. L., 1228).

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of twelve dollars per month, all Mexican war survivors now on the roll, or who may hereafter be placed on the roll, under the Acts of January twenty-ninth, eighteen hundred and eighty-seven, March third, eighteen hundred and ninety-one, and February fifth, eighteen hundred and ninety-seven.[1]

[1] Acts Mar. 2, 1889, July 27, 1892, and Mar. 2, 1895, relieved certain persons who served in the Mexican War from the charge of desertion.

NOTES.

The Act February 6, 1907 (34 Stat. L., 879), provides pensions on account of age and service of sixty days in the War with Mexico, and also for service in the Civil War.

This act will be found in full on page 31.

The act of March 4, 1907 (34 Stat. L., 1406), extends the provisions of the act of February 6, 1907, relating to both the Mexican war and the Civil War, and appears in full on page 32.

SERVICE PENSION OF $30 PER MONTH.

ACT MAY 11, 1912 (37 STAT. L., 112).

That any person who has served sixty days or more in the military or naval service of the United States in the War with Mexico and has been honorably discharged therefrom, shall, upon making like proof of such service, be entitled to receive a pension of thirty dollars per month.

POWELL'S BATTALION.

ACT MARCH 3, 1891 (26 STAT. L., 1418).

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of all of the honorably discharged surviving officers and enlisted men of Powell's Battalion of Missouri Mounted Volunteers, raised under the act of Congress of May thirteenth, eighteen hundred and forty-six, for service during the war with Mexico; and the names of the surviving widows of such officers and enlisted men, subject to the limitations and regulations of the pension laws of the United States for pensioning the survivors of the war with Mexico.

GRAY'S BATTALION.

ACT FEBRUARY 17, 1897 (29 STAT. L., 805).

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the names of all of the honorably discharged surviving officers and enlisted men of Gray's Battalion of Arkansas Volunteers, raised under the Act of Congress of May thirteenth, eighteen hundred and forty-six, for service during the war with Mexico; and the names of surviving widows of such officers and enlisted men, subject to the limitations and regulations of the pension laws of the United States for pensioning the survivors of the war with Mexico.

PROVISIONS OF FORMER ACTS EXTENDED.

SECTION 4712, REVISED STATUTES.

The provisions of this Title in respect to the rates of pension to persons whose right accrued since the fourth day of March, eighteen hundred and sixty-one, are extended to pensioners whose right to pension accrued under general acts passed since the war of the Revolution and prior to the fourth day of March, eighteen hundred and

sixty-one, to take effect from and after the twenty-fifth day of July, eighteen hundred and sixty-six; and the widows of revolutionary soldiers and sailors receiving a less sum shall be paid at the rate of eight dollars per month from and after the twenty-seventh day of July, eighteen hundred and sixty-eight.[1]

CERTAIN NAVY RATES NOT TO BE REDUCED.

ACT JUNE 9, 1880 (21 STAT. L., 170).

That section three of an act entitled "An act increasing the pensions of widows and orphans, and for other purposes," approved July twenty-fifth, eighteen hundred and sixty-six, and section thirteen of an act entitled "An act relating to pensions," approved July twenty-seventh, eighteen hundred and sixty-eight, and section forty-seven hundred and twelve of the Revised Statutes, shall not operate to reduce the rate of any pension which had actually been allowed to the commissioned, noncommissioned, or petty officers of the Navy or their widows or minor children, prior to the twenty-fifth day of July, eighteen hundred and sixty-six; and the Secretary of the Interior is hereby directed to restore all such pensions as have already been so reduced to the rate originally granted and allowed, to take effect from the date of such reduction.

COMMENCEMENT OF CERTAIN PENSIONS.

SECTION 4713, REVISED STATUTES.

In all cases in which the cause of disability or death originated in the service prior to the fourth day of March, eighteen hundred and sixty-one, and an application for pension shall not have been filed within three years from the discharge or death of the person on whose account the claim is made, or within three years of the termination of a pension previously granted on account of the service and death of the same person, the pension shall commence from the date of filing by the party prosecuting the claim the last paper requisite to establish the same. But no claim allowed prior to the sixth day of June, eighteen hundred and sixty-six, shall be affected by anything herein contained.

[1] Rate increased to $12 per month by act Mar. 19, 1886 (see p. 44), in cases of widows who were married prior to such date, or prior to or during the service upon which the application for pension is based.

CHAPTER III.

INVALID PENSIONS BASED ON SERVICE SINCE MARCH 4, 1861.

DISABILITY PENSIONS.

SECTION 4692, REVISED STATUTES.

Every person specified in the several classes enumerated in the following section, who has been, since the fourth day of March, eighteen hundred and sixty-one, or who is hereafter disabled under the conditions therein stated, shall, upon making due proof of the fact, according to such forms and regulations as are or may be provided in pursuance of law, be placed on the list of invalid pensioners of the United States, and be entitled to receive, for a total disability, or a permanent specific disability, such pension as is hereinafter provided in such cases; and for an inferior disability, except in cases of permanent specific disability, for which the rate of pension is expressly provided, an amount proportionate to that provided for total disability; and such pension shall commence as hereinafter provided and continue during the existence of the disability.

BENEFICIARIES UNDER PRECEDING SECTION.

SECTION 4693, REVISED STATUTES.

The persons entitled as beneficiaries under the preceding section are as follows:

First. Any officer of the Army, including regulars, volunteers, and militia, or any officer in the Navy or Marine Corps, or any enlisted man, however employed, in the military or naval service of the United States, or in its Marine Corps, whether regularly mustered or not, disabled by reason of any wound or injury received, or disease contracted, while in the service of the United States and in the line of duty.

Second. Any master serving on a gunboat, or any pilot, engineer, sailor, or other person not regularly mustered, serving upon any gunboat or war-vessel of the United States, disabled by any wound or injury received, or otherwise incapacitated, while in the line of duty, for procuring his subsistence by manual labor.

Third. Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service. But no claim of a State militiaman, or nonenlisted

person, on account of disability from wounds, or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the fourth day of July, eighteen hundred and seventy-four.

Fourth. Any acting assistant or contract surgeon disabled by any wound or injury received or disease contracted in the line of duty while actually performing the duties of assistant surgeon or acting assistant surgeon with any military force in the field, or in transitu, or in hospital.

Fifth. Any provost-marshal, deputy provost-marshal, or enrolling-officer disabled, by reason of any wound or injury, received in the discharge of his duty, to procure a subsistence by manual labor.

REVENUE CUTTERS TO COOPERATE WITH NAVY.

SECTION 2757, REVISED STATUTES.

The revenue-cutters shall, whenever the President so directs, cooperate with the Navy, during which time they shall be under the direction of the Secretary of the Navy, and the expenses thereof shall be defrayed by the Navy Department.

REVENUE CUTTERS—OFFICERS AND SEAMEN.

SECTION 4741, REVISED STATUTES.

The officers and seamen of the revenue-cutters of the United States, who have been or may be wounded or disabled in the discharge of their duty while cooperating with the Navy by order of the President, shall be entitled to be placed on the Navy pension-list, at the same rate of pension and under the same regulations and restrictions as are provided by law for the officers and seamen of the Navy.

COAST GUARD.

ACT JANUARY 28, 1915 (38 STAT. L., 800).

SECTION 1. That there shall be established in lieu of the existing Revenue-Cutter Service and the Life-Saving Service, to be composed of those two existing organizations, with the existing officers and positions and the incumbent officers and men of those two services, the Coast Guard, which shall constitute a part of the military forces of the United States and which shall operate under the Treasury Department in time of peace and operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President shall so direct. When subject to the Secretary of the Navy in time of war the expense of the Coast Guard shall be paid by the Navy Department: *Provided*, That no provision of this Act shall be construed as giving any officer of either the Coast Guard or the Navy, military or other control at any time over any vessel, officer, or man of the other service except by direction of the President.

SEC. 3. * * * *Provided*, That no pension shall be allowed or paid to any commissioned officer, warrant officer, or enlisted man in the Coast Guard either on the active or retired list.

MISSOURI MILITIA.

SECTION 4722, REVISED STATUTES.

The provisions of this Title are extended to the officers and privates of the Missouri State militia, and the provisional Missouri militia, disabled by reason of injury received or disease contracted in the line of duty while such militia was cooperating with United States forces, and the widow or children of any such person, dying of injury received or disease contracted under the circumstances herein set forth, shall be entitled to the benefits of this Title. But the pensions on account of such militia shall not commence prior to the third day of March, one thousand eight hundred and seventy-three.

MEDICAL RESERVE CORPS.

ACT APRIL 23, 1908 (35 STAT. L., 68).

SEC. 9. That officers of the Medical Reserve Corps when called upon active duty in the service of the United States, as provided in section eight of this Act, shall be subject to the laws, regulations, and orders for the government of the Regular Army, and during the period of such service shall be entitled to the pay and allowances of first lieutenants of the Medical Corps with increase for length of service now allowed by law, said increase to be computed only for time of active duty: *Provided*, That no officer of the Medical Reserve Corps shall be entitled to retirement or retirement pay, nor shall he be entitled to pension except for physical disability incurred in the line of duty while in active duty: * * *.

MILITIA IN SERVICE OF UNITED STATES.

ACT JANUARY 21, 1903 (32 STAT. L., 779).

SEC. 22. That when any officer, noncommissioned officer, or private of the militia is disabled by reason of wounds or disabilities received or incurred in the service of the United States he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer, noncommissioned officer, or private dies in the service of the United States or in returning to his place of residence after being mustered out of such service, or at any time, in consequence of wounds or disabilities received in such service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.[1]

ORGANIZED MILITIA CALLED INTO SERVICE.

ACT MAY 27, 1908 (35 STAT. L., 400).

That section four of said Act[2] as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 4. That whenever the United States is invaded or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable with the regular forces at his command to execute the laws of the Union, it shall be lawful for the President to call forth such

[1] Secs. 4 and 7 of this act amended by act May 27, 1908, following.
[2] Act Jan. 21, 1903 (32 Stat. L., 779).

number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose, through the governor of the respective State or Territory, or through the commanding general of the militia of the District of Columbia, from which State, Territory, or District such troops may be called, to such officers of the militia as he may think proper."

That section seven of said Act[1] as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 7. That every officer and enlisted man of the militia who shall be called forth in the manner hereinbefore prescribed, shall be mustered for service without further enlistment, and without further medical examination previous to such muster, except for those States and Territories which have not adopted the standard of medical examination prescribed for the Regular Army: *Provided, however*, That any officer or enlisted man of the militia who shall refuse or neglect to present himself for such muster, upon being called forth as herein prescribed, shall be subject to trial by court-martial and shall be punished as such court-martial may direct."

NAVAL MILITIA CALLED INTO SERVICE.

ACT FEBRUARY 16, 1914 (38 STAT. L., 284).

SEC. 3. That in the event of war, actual or threatened, with any foreign nation involving danger of invasion, or of rebellion against the authority of the Government of the United States, or whenever the President is, in his judgment, unable with the regular forces at his command to execute the laws of the United States, it shall be lawful for the President to call forth such number of the Naval Militia of a State or of the States, or Territories, or of the District of Columbia, as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose, through the governor of the respective State or Territory, or through the commanding officer of the Naval Militia of the District of Columbia, from which State, Territory, or District such Naval Militia may be called, to such officers of the Naval Militia as he may think proper.

SEC. 4. That whenever the President calls forth all or any part of the Naval Militia of any State, Territory, or of the District of Columbia, to be employed in the service of the United States, he may specify in his call the period for which such service is required, and the Naval Militia so called shall continue to serve during the term so specified, either within or without the territory of the United States, unless sooner relieved by order of the President: *Provided*, That if no period be stated in the call of the President, the period shall be held to mean the existence of the emergency, of which the President shall be the sole judge: *And provided further*, That no commissioned officer or enlisted man of the Naval Militia shall be held to service beyond the term of his existing commission or enlistment: *Provided further*, That when the military needs of the Federal Government,

[1] Act Jan. 21, 1903 (32 Stat. L., 779).

arising from the necessity to execute the laws of the United States, suppress insurrection, or repel invasion, can not be met by the regular forces, the Naval Militia qualified as herein provided and any existing Naval Reserve now or hereafter organized shall be called into the service of the United States in advance of any volunteer naval force which it may then be determined to raise: *And provided further*, That nothing herein contained shall prevent the Secretary of the Navy, when vessels are purchased or otherwise acquired by the United States for a war, from manning such vessels by all or part of the officers and men then serving on said vessels.

SEC. 19. That when any officer, petty officer, or enlisted man of the Naval Militia is disabled by reason of wounds or disabilities received or incurred in the naval service of the United States in time of war he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer, petty officer, or enlisted man dies in the naval service of the United States in time of war, or in returning to his place of residence after being mustered out of such naval service, or at any time in consequence of wounds or disabilities received in such naval service in time of war, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

DOUBLE PENSION FOR DISABILITY FROM AVIATION DUTY.

ACT MARCH 3, 1915 (38 STAT. L., 940).

* * * In all cases where an officer or enlisted man of the Navy or Marine Corps dies, or where an enlisted man of the Navy or Marine corps is disabled by reason of any injury received or disease contracted in line of duty, the result of an aviation accident, received while employed in actual flying in or in handling air craft, the amount of pension allowed shall be double that authorized to be paid should death or the disability have occurred by reason of an injury received or disease contracted in line of duty, not the result of an aviation accident.

NAVAL RESERVE ESTABLISHED.

ACT MARCH 3, 1915 (38 STAT. L., 940).

There is hereby established a United States naval reserve, which shall consist of citizens of the United States who have been or may be entitled to be honorably discharged from the Navy after not less than one four-year term of enlistment or after a term of enlistment during minority. The naval reserve shall be organized under the Bureau of Navigation and shall be governed by the Articles for the Government of the Navy and by the Naval Regulations and Instructions. Whenever actively employed with the Navy, or whenever employed in authorized travel to and from prescribed active duty with the Navy, its members shall be employed as members of the naval reserve and shall while so employed be held and considered to be in all respects in the same status as enlisted men of the Navy on active duty, except that they shall not be advanced in rating in time of peace. When not actively employed with the Navy, members of the naval reserve shall not be entitled to any pay, bounty, gratuity, or

pension except the pay expressly provided for members of the naval reserve by the provisions of this Act, nor shall they be entitled to retirement by reason of such service in the naval reserve.

FIRST KANSAS COLORED VOLUNTEERS, 1863.

ACT MARCH 3, 1891 (26 STAT. L., 1436).

SECTION 1. That all officers of the First Kansas Colored Volunteers who were mustered into the service of the United States on or before the second day of May, eighteen hundred and sixty-three, shall take rank and be entitled to pay from the date when they respectively held and performed the duties of their rank in said regiment, or in the companies or battalions of which said regiment was composed, of a rank equal to the rank they respectively held when mustered into the service of the United States in said regiment.

SEC. 2. That Captain Andrew I. Crew, Corporal Joseph Talbot, Privates Marion Barber, Samuel Davis, Henry Gash, Thomas Lane, Allen Rhodes, and John Sixkiller, who were killed in action at Island Mound, Missouri, October twenty-eighth, eighteen hundred and sixty-two, whilst on duty with the companies and battalions of which said regiment was subsequently composed, shall be entitled to the rank, pay, and emoluments conferred by section one of this act.

SEC. 3. That Privates Edward Curtis, Jacob Edwards, Lazarus Johnson, General Dudley, Manuel Dobson, and Thomas Knight, of said companies and battalions, who were wounded in action at Island Mound, Missouri, October twenty-eighth, eighteen hundred and sixty-two, but were not mustered into the United States service, shall be entitled to all rights, privileges, and benefits conferred upon wounded or disabled soldiers by the provisions of the United States pension laws.

DEPARTMENT OF THE WEST OR OF MISSOURI.

ACT MARCH 25, 1862 (12 STAT. L., 374).

SECTION 1. That the Secretary of War be, and he is hereby, authorized and required to allow and pay to the officers, noncommissioned officers, musicians, and privates who have been heretofore actually employed in the military service of the United States, whether mustered into actual service or not, where their services were accepted and actually employed by the generals who have been in command of the department of the West, or the department of the Missouri, the pay and bounty as in cases of regular enlistment.

SEC. 2. That the officers, noncommissioned officers, musicians, and privates so employed, who may have been wounded or incapacitated for service, shall be entitled to and receive the pension allowed for such disability: *Provided*, That the length and character of their enlistment and service be such as to entitle them under existing laws to such pension.

SEC. 3. That the heirs of those killed in battle, or of those who may have died from wounds received while so in service, shall be entitled to receive the bounty and pay to which they would have been entitled had they been regularly mustered into service: *Provided*, That the bounty and pay referred to in this act shall not be payable unless their term of enlistment and service be of such duration as to entitle them to receive the same, according to existing laws.

NEZ PERCÉ INDIAN WAR.

ACT MARCH 3, 1881 (21 STAT. L., 641).

SECTION 1. That each volunteer who joined the forces of the United States, in the Territory of Montana, during the war with the Nez Percé Indians, shall be paid one dollar per day during the term of such service, from the time that he left his home until he was returned thereto, including all the time spent in hospital under treatment by such as received wounds or other injuries in such service.

SEC. 2. That all persons who were wounded or disabled in such service, and the heirs of all who were killed in such service, shall be entitled to all the benefits of the pension laws, in the same manner and to the same extent as if they had been duly mustered into the regular or volunteer forces of the United States.

SECOND OHIO VOLUNTEER MILITIA.

ACT JUNE 8, 1864 (13 STAT. L., 121).

That the second regiment, third brigade, Ohio volunteer militia, mustered into the service of the United States at Cincinnati, Ohio, on the fourth day of September, eighteen hundred and sixty-two, notwithstanding irregularity may have occurred in the manner of their mustering into the service of the United States, be paid for the time the officers and men were in the service, respectively, after being so mustered, not, however, to exceed the period of thirty days.

FIRST OHIO VOLUNTEER LIGHT ARTILLERY.

ACT DECEMBER 19, 1902 (32 STAT. L., 757).

That the officers and enlisted men of the First Regiment Ohio Volunteer Light Artillery (three months' service), furnished by the State of Ohio, under the call of the President of the United States, issued on the fifteenth day of April, eighteen hundred and sixty-one, and which rendered actual military service under the command of officers of the United States and in cooperation with the regularly organized military forces of the United States, shall be held and considered to have been in the military service of and to have formed a part of the military establishment of the United States during the period for which said organization was enlisted and was in active service, and that the Secretary of War be, and he hereby is, authorized and directed to issue certificates of discharge, upon due application and satisfactory proof of identity, for all honorably discharged members of the said organization: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this Act.

CAPT. GOLDMAN BRYSON'S COMPANY, NORTH CAROLINA.

ACT MARCH 1, 1869 (15 STAT. L., 442).

That the company of mounted volunteers raised and commanded by Captain Goldman Bryson, of Cherokee county, State of North Carolina, under authority of Major-General Rosecrans, and received into the service of the United States by Major-General Burnside,

September twenty-ninth, eighteen hundred and sixty-three, and such men as were accepted into the service of the United States by the said Captain Goldman Bryson within one month thereafter, and the widows, heirs, and legal representatives of the officers and enlisted men, shall be entitled to pay, bounty, pension, and allowances according to their grade and time of service as other volunteers in the service of the United States, notwithstanding any informality in their muster or enlistment into the service of the United States, under such rules and regulations as may be adopted by the proper accounting officer of the treasury.

CAPT. DAVID BEATY'S COMPANY OF INDEPENDENT SCOUTS.

ACT JULY 14, 1870 (16 STAT. L., 653).

That the organization (commanded by Captain David Beaty of Fentress County, Tennessee) be, and the same is hereby, recognized as a part of the military force of the United States engaged in suppressing the recent rebellion, and the members thereof, on making proof of actual service, are declared to be entitled to the same pay, pensions, as though they had been regularly mustered into the service of the United States as cavalry: *Provided*, That there shall be filed in the War Department a roll of said company, which shall be sworn to by the captain and two lieutenants of said company: *And provided, further*, That each soldier, upon applying for payment under this act, shall be required to make oath as to the length of his service in said company.

PENSIONS TO ARMY NURSES.

ACT AUGUST 5, 1892 (27 STAT. L., 348).

SECTION 1. That all women employed by the Surgeon General of the Army as nurses, under contract or otherwise, during the late war of the rebellion, or who were employed as nurses during such period by authority which is recognized by the War Department, and who rendered actual service as nurses in attendance upon the sick or wounded in any regimental, post, camp, or general hospital of the armies of the United States for a period of six months or more, and who were honorably relieved from such service, and who are now or may hereafter be unable to earn a support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of pensioners of the United States and be entitled to receive a pension of twelve dollars per month, and such pension shall commence from the date of filing of the application in the Pension Office after the passage of this act: *Provided*, That no person shall receive more than one pension for the same period.[1]

LINE OF DUTY.

SECTION 4694, REVISED STATUTES.

No person shall be entitled to a pension by reason of wounds or injury received or disease contracted in the service of the United States subsequent to the twenty-seventh day of July, eighteen hun-

[1] Sec. 2 prohibits compensation for services in prosecuting claim (see p. 116).

dred and sixty-eight, unless the person who was wounded, or injured, or contracted the disease was in the line of duty; and, if in the military service, was at the time actually in the field, or on the march, or at some post, fort, or garrison, or en route, by direction of competent authority, to some post, fort, or garrison; or, if in the naval service, was at the time borne on the books of some ship or other vessel of the United States, at sea or in harbor, actually in commission, or was at some naval station, or on his way, by direction of competent authority, to the United States, or to some other vessel or naval station, or hospital.

SICK LEAVE AND VETERAN FURLOUGH.

SECTION 4700, REVISED STATUTES.

Officers absent on sick-leave, and enlisted men absent on sick-furlough, or on veteran-furlough with the organization to which they belong, shall be regarded in the administration of the pension-laws in the same manner as if they were in the field or hospital.

RATE FOR TOTAL DISABILITIES.

SECTION 4695, REVISED STATUTES.

The pension for total disability shall be as follows, namely: For lieutenant-colonel and all officers of higher rank in the military service and in the Marine Corps, and for captain, and all officers of higher rank, commander, surgeon, paymaster, and chief engineer, respectively ranking with commander by law, lieutenant commanding and master commanding, in the naval service, thirty dollars per month; for major in the military service and in the Marine Corps, and lieutenant, surgeon, paymaster, and chief engineer, respectively ranking with lieutenant by law, and passed assistant surgeon in the naval service, twenty-five dollars per month; for captain in the military service and in the Marine Corps, chaplain in the Army, and provost-marshal, professor of mathematics, master,[1] assistant surgeon, assistant paymaster, and chaplain in the naval service, twenty dollars per month; for first lieutenant in the military service and in the Marine Corps, acting assistant or contract surgeon, and deputy provost-marshal, seventeen dollars per month; for second lieutenant in the military service and in the Marine Corps, first assistant engineer, ensign, and pilot in the naval service, and enrolling officer, fifteen dollars per month; for cadet-midshipman, passed midshipman, midshipmen,[2] clerks of admirals and paymasters and of other officers commanding vessels, second and third assistant engineer, master's mate, and all warrant-officers in the naval service,[3] ten dollars per month; and for all other persons whose rank or office is not mentioned in this section, eight dollars per month; and the masters,

[1] Act Mar. 3, 1883 (22 Stat. L., 472), changes title of master to lieutenant and provides that masters now on the list shall constitute a junior grade of lieutenants.

[2] Title of midshipman changed to ensign, and midshipmen now on the list to constitute a junior grade of ensigns.

[3] Boatswains, gunners, carpenters, and sail makers shall, after 10 years from date of warrant, be commissioned as chief boatswains, etc., sec. 12, act Mar. 3, 1899 (30 Stat. L., 1007), and after 6 years from date of warrant, warrant machinists are commissioned as chief machinists, act Mar. 3, 1909 (35 Stat. L., 771).

pilots, engineers, sailors, and crews upon the gunboats and war-vessels shall be entitled to receive the pension allowed herein to those of like rank in the naval service.

RATE ACCORDING TO RANK WHEN DISABILITY CONTRACTED.

SECTION 4696, REVISED STATUTES.

Every commissioned officer of the Army, Navy, or Marine Corps shall receive such and only such pension as is provided in the preceding section, for the rank he held at the time he received the injury or contracted the disease which resulted in the disability, on account of which he may be entitled to a pension; and any commission or presidential appointment, regularly issued to such person, shall be taken to determine his rank from and after the date, as given in the body of the commission or appointment conferring said rank: *Provided*, That a vacancy existed in the rank thereby conferred; that the person commissioned was not disabled for military duty; and that he did not willfully neglect or refuse to be mustered.

PASSED ASSISTANT ENGINEERS, ETC.

ACT MARCH 3, 1877 (19 STAT. L., 403).

That from and after the passage of this act, the pension for total disability of passed assistant engineers, assistant engineers, and cadet engineers in the naval service, respectively, shall be the same as the pensions allowed to officers of the line in the naval service with whom they have relative rank; and that all acts or parts of acts inconsistent herewith be, and are hereby, repealed.[1]

LIEUTENANT COMMANDERS IN NAVY.

ACT JUNE 18, 1878 (20 STAT. L., 166).

That from and after July sixteenth, eighteen hundred and sixty-two, pensions granted to lieutenant-commanders in the Navy for disability, or on account of their death, shall be the same as theretofore provided for lieutenants-commanding.

INVALID PENSION FOR 90 DAYS' SERVICE.

ACT JUNE 27, 1890 (26 STAT. L., 182).

SEC. 2. That all persons who served ninety days or more in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from a mental or physical disability of a permanent character, not the result of their own vicious habits, which incapacitates them from the performance of manual labor in such a degree as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United

[1] Relative rank abolished by act Mar. 3, 1899 (30 Stat. L., 1006).

States, and be entitled to receive a pension not exceeding twelve dollars per month, and not less than six dollars per month, proportioned to the degree of inability to earn a support; and such pension shall commence from the date of the filing of the application in the Pension Office, after the passage of this act, upon proof that the disability then existed, and shall continue during the existence of the same: *Provided*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Pension Office, may, by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this act; and nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any other general or special act: *Provided, however*, That no person shall receive more than one pension for the same period: *And provided further*, That rank in the service shall not be considered in applications filed under this act.[1]

AMENDING ACT OF JUNE 27, 1890.

ACT MAY 9, 1900 (31 STAT. L., 170).

That sections two and three of an Act entitled "An Act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," be, and the same are hereby, amended so as to read as follows:

"SEC. 2. That all persons who served ninety days or more in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character, not the result of their own vicious habits, which so incapacitates them from the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive a pension not exceeding twelve dollars per month and not less than six dollars per month, proportioned to the degree of inability to earn a support; and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown be rated, and such pension shall commence from the date of the filing of the application in the Bureau of Pensions, after the passage of this Act, upon proof that the disability or disabilities then existed, and shall continue during the existence of the same: *Provided*, That persons who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this Act; and nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any other general or special Act: *Provided, however*,

[1] Sec. 4 provides that fee for services in prosecuting claim shall not be greater than $10 (see p. 115).

That no person shall receive more than one pension for the same period: *And provided further*, That rank in the service shall not be considered in applications filed under this Act.[1]

ACT JUNE 27, 1890, APPLIED TO CERTAIN MISSOURI TROOPS.

JOINT RESOLUTION FEBRUARY 15, 1895 (28 STAT. L., 970).

That the provisions of the Act of June twenty-seventh, eighteen hundred and ninety, be, and are hereby, extended to include the officers and privates of the Missouri State Militia and the Provisional Missouri Militia who served ninety days during the late War of the Rebellion, and were honorably discharged, and to the widows and minor children of such persons. The provisions of this Act shall include all such persons now on the pension rolls, or who may hereafter apply to be admitted thereto.

COMMENCEMENT IN CERTAIN CLAIMS.

ACT MARCH 6, 1896 (29 STAT. L., 45).

That whenever a claim for pension under the Act of June twenty-seventh, eighteen hundred and ninety, has been, or shall hereafter be, rejected, suspended, or dismissed, and a new application shall have been, or shall hereafter be, filed, and a pension has been, or shall hereafter be, allowed in such claim, such pension shall date from the time of filing the first application, provided the evidence in the case shall show a pensionable disability to have existed, or to exist, at the time of filing such first application, anything in any law or ruling of the Department to the contrary notwithstanding.

PENSION FOR AGE AND SERVICE OF 90 DAYS.

ACT FEBRUARY 6, 1907 (34 STAT. L., 879).

SECTION 1. That any person who served ninety days or more in the military or naval service of the United States during the late civil war or sixty days in the war with Mexico, and who has been honorably discharged therefrom, and who has reached the age of sixty-two years or over, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll, and be entitled to receive a pension as follows: In case such person has reached the age of sixty-two years, twelve dollars per month; seventy years, fifteen dollars per month; seventy-five years or over, twenty dollars per month; and such pension shall commence from the date of filing of the application in the Bureau of Pensions after the passage and approval of this Act: *Provided*, That pensioners who are sixty-two years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions in such form as he may prescribe, receive the benefits of this Act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from

[1] Fee for services in prosecuting claim not to be greater than $10. (See sec. 4, act June 27, 1890, p. 115.)

prosecuting his claim and receiving a pension under any other general or special Act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this Act: *Provided further*, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this Act.

SEC. 2. That rank in the service shall not be considered in applications filed hereunder.

SEC. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this Act.

AGE A "PERMANENT SPECIFIC DISABILITY."

ACT APRIL 24, 1906 (34 STAT. L., 133).

* * * *And provided further*, That the age of sixty-two years and over shall be considered a permanent specific disability within the meaning of the pension laws.

PROVISIONS ACT FEBRUARY 6, 1907, EXTENDED.

ACT MARCH 4, 1907 (34 STAT. L., 1406).

* * * *And provided further*, That hereafter the age of sixty-two years and over shall be considered a permanent specific disability within the meaning of the pension laws: *And provided further*, That the benefits of the Act of February sixth, nineteen hundred and seven, entitled "An Act granting pension to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico," are hereby extended to include any person who served the period of time therein specified during the late civil war or in the war with Mexico and who is now or may hereafter become entitled to pension under the Acts of June twenty-seventh, eighteen hundred and ninety, February fifteenth, eighteen hundred and ninety-five, and the joint resolution of July first, nineteen hundred and two, or the Acts of January twenty-ninth, eighteen hundred and eighty-seven, March third, eighteen hundred and ninety-one, and February seventeenth, eighteen hundred and ninety-seven.

PENSIONS ACCORDING TO AGE AND LENGTH OF SERVICE.

ACT MAY 11, 1912 (37 STAT. L., 112).

That any person who served ninety days or more in the military or naval service of the United States during the late Civil War, who has been honorably discharged therefrom, and who has reached the age of sixty-two years or over, shall, upon making proof of such facts, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of sixty-two years and served ninety days, thirteen dollars per

month; six months, thirteen dollars and fifty cents per month; one year, fourteen dollars per month; one and a half years, fourteen dollars and fifty cents per month; two years, fifteen dollars per month; two and a half years, fifteen dollars and fifty cents per month; three years or over, sixteen dollars per month. In case such person has reached the age of sixty-six years and served ninety days, fifteen dollars per month; six months, fifteen dollars and fifty cents per month; one year, sixteen dollars per month; one and a half years, sixteen dollars and fifty cents per month; two years, seventeen dollars per month; two and a half years, eighteen dollars per month; three years or over, nineteen dollars per month. In case such person has reached the age of seventy years and served ninety days, eighteen dollars per month; six months, nineteen dollars per month; one year, twenty dollars per month; one and a half years, twenty-one dollars and fifty cents per month; two years, twenty-three dollars per month; two and a half years, twenty-four dollars per month; three years or over, twenty-five dollars per month. In case such person has reached the age of seventy-five years and served ninety days, twenty-one dollars per month; six months, twenty-two dollars and fifty cents per month; one year, twenty-four dollars per month; one and a half years, twenty-seven dollars per month; two years or over, thirty dollars per month. That any person who served in the military or naval service of the United States during the Civil War and received an honorable discharge, and who was wounded in battle or in line of duty and is now unfit for manual labor by reason thereof, or who from disease or other causes incurred in line of duty resulting in his disability is now unable to perform manual labor, shall be paid the maximum pension under this Act, to wit, thirty dollars per month, without regard to length of service or age.

That any person who has served sixty days or more in the military or naval service of the United States in the War with Mexico and has been honorably discharged therefrom, shall, upon making like proof of such service, be entitled to receive a pension of thirty dollars per month.

All of the aforesaid pensions shall commence from the date of filing of the applications in the Bureau of Pensions after the passage and approval of this Act: *Provided*, That pensioners who are sixty-two years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this Act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special Act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this Act: *Provided further*, That no person who is now receiving or shall hereafter receive a greater pension, under any other general or special law, than he would be entitled to receive under the provisions herein shall be pensionable under this Act.

SEC. 2. That rank in the service shall not be considered in applications filed hereunder.

SEC. 3. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this Act, except in applications for original pension by persons who have not heretofore received a pension.

SEC. 4. That the benefits of this Act shall include any person who served during the late Civil War, or in the War with Mexico, and who is now or may hereafter become entitled to pension under the Acts of June twenty-seventh, eighteen hundred and ninety, February fifteenth, eighteen hundred and ninety-five, and the joint resolutions of July first, nineteen hundred and two, and June twenty-eighth, nineteen hundred and six, or the Acts of January twenty-ninth, eighteen hundred and eighty-seven, March third, eighteen hundred and ninety-one, and February seventeenth, eighteen hundred and ninety-seven.[1]

RECORD OF PENSIONS GRANTED; AUTOMATIC INCREASE.

ACT MARCH 4, 1913 (37 STAT. L., 1019).

That the general pension Act of May eleventh, nineteen hundred and twelve, is hereby amended by striking out section five and adding in lieu thereof a new section, so as to read as follows:

"SEC. 5. That it shall be the duty of the Commissioner of Pensions, as each application for pension filed under this Act is adjudicated, to cause to be kept a record showing the name, length of service, and age of each claimant, the monthly rate of payment granted to or received by him, and the county and State of his residence; and shall at the end of the fiscal year nineteen hundred and fourteen tabulate the records so obtained by States and counties, and to furnish certified copies thereof upon demand and payment of such fee therefor as is provided by law for certified copies of records in the executive departments; and that further increase of rate under this Act on account of advancing age shall be made without further application by pensioner and shall take effect and commence from the date he is shown by the aforesaid record to have attained the age provided by this Act as a basis of rating: *Provided*, That where a claim has been heretofore adjudicated and the record therein does not sufficiently establish the date of birth of the soldier or sailor pensioner nothing herein shall prevent such further investigation as is deemed necessary, in order to establish a record upon which future increases of rate under this Act, on account of advancing age, may be possible, the object being to advance automatically the rate of pension, as provided for by this Act, without unnecessary expense to the pensioner."

RATES FOR PERMANENT SPECIFIC DISABILITIES.

SECTION 4697, REVISED STATUTES.

For the period commencing July fourth, eighteen hundred and sixty-four, and ending June third, eighteen hundred and seventy-two, those persons entitled to a less pension than hereinafter mentioned, who shall have lost both feet in the military or naval service

[1] Sec. 5 of this act amended by act Mar. 4, 1913, following.

and in the line of duty, shall be entitled to a pension of twenty dollars per month; for the same period those persons who, under like circumstances, shall have lost both hands or the sight of both eyes, shall be entitled to a pension of twenty-five dollars per month; and for the period commencing March third, eighteen hundred and sixty-five, and ending June third, eighteen hundred and seventy-two, those persons who under like circumstances shall have lost one hand and one foot, shall be entitled to a pension of twenty dollars per month; and for the period commencing June sixth, eighteen hundred and sixty-six, and ending June third, eighteen hundred and seventy-two, those persons who under like circumstances shall have lost one hand or one foot, shall be entitled to a pension of fifteen dollars per month; and for the period commencing June sixth, eighteen hundred and sixty-six, and ending June third, eighteen hundred and seventy-two, those persons entitled to a less pension than hereinafter mentioned, who by reason of injury received or disease contracted in the military or naval service of the United States and in the line of duty, shall have been permanently and totally disabled in both hands, or who shall have lost the sight of one eye, the other having been previously lost, or who shall have been otherwise so totally and permanently disabled as to render them utterly helpless, or so nearly so as to require regular personal aid and attendance of another person, shall be entitled to a pension of twenty-five dollars per month; and for the same period those who under like circumstances shall have been totally and permanently disabled in both feet, or in one hand and one foot, or otherwise so disabled as to be incapacitated for the performance of any manual labor, but not so much as to require regular personal aid and attention, shall be entitled to a pension of twenty dollars per month; and for the same period all persons who under like circumstances shall have been totally and permanently disabled in one hand, or one foot, or otherwise so disabled as to render their inability to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of fifteen dollars per month.

PERMANENT SPECIFIC DISABILITIES SINCE JUNE 4, 1872.

SECTION 4698, REVISED STATUTES.

From and after June fourth, eighteen hundred and seventy-two, all persons entitled by law to a less pension than hereinafter specified, who while in the military or naval service of the United States, and in line of duty, shall have lost the sight of both eyes, or shall have lost the sight of one eye, the sight of the other having been previously lost, or shall have lost both hands, or shall have lost both feet, or been permanently and totally disabled in the same, or otherwise so permanently and totally disabled as to render them utterly helpless, or so nearly so as to require the regular personal aid and attendance of another person, shall be entitled to a pension of thirty-one dollars and twenty-five cents per month; and all persons who, under like circumstances, shall have lost one hand and one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require regular personal aid and attendance, shall be entitled to a pension of twenty-four dollars per month; and all persons who,

under like circumstances, shall have lost one hand, or one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of eighteen dollars per month: *Provided*, That all persons who, under like circumstances, have lost a leg above the knee, and in consequence thereof are so disabled that they can not use artificial limbs, shall be rated in the second class and receive twenty-four dollars per month from and after June fourth, eighteen hundred and seventy-two; and all persons who, under like circumstances, shall have lost the hearing of both ears, shall be entitled to a pension of thirteen dollars per month from the same date: *Provided*, That the pension for a disability not permanent, equivalent in degree to any provided for in this section, shall, during the continuance of the disability in such degree, be at the same rate as that herein provided for a permanent disability of like degree.

INCREASED RATES FOR TOTAL HELPLESSNESS.

ACT JUNE 18, 1874 (18 STAT. L., 78).

SECTION 1. That section four of the act entitled "An act to revise, consolidate, and amend the laws relating to pensions," and approved March third, eighteen hundred and seventy-three, be so amended that all persons who, while in the military or naval service of the United States, and in the line of duty, shall have been so permanently and totally disabled as to require the regular personal aid and attendance of another person, by the loss of the sight of both eyes, or by the loss of the sight of one eye, the sight of the other having been previously lost, or by the loss of both hands, or by the loss of both feet, or by any other injury resulting in total and permanent helplessness, shall be entitled to a pension of fifty dollars per month; and this shall be in lieu of a pension of thirty-one dollars and twenty-five cents per month granted to such person by said section: *Provided*, That the increase of pension shall not be granted by reason of any of the injuries herein specified unless the same shall have resulted in permanent total helplessness, requiring the regular personal aid and attendance of another person.

SEC. 2. That this act shall take effect from and after the fourth day of June, eighteen hundred and seventy-four.

RATE OF $72 PER MONTH FOR TOTAL HELPLESSNESS.

ACT JUNE 16, 1880 (21 STAT. L., 281).

SECTION 1. That all soldiers and sailors who are now receiving a pension of fifty dollars per month, under the provisions of an act entitled "An act to increase the pension of soldiers and sailors who have been totally disabled," approved June eighteenth, eighteen hundred and seventy-four, shall receive, in lieu of all pensions now paid them by the Government of the United States, and there shall be paid them in the same manner as pensions are now paid to such persons, the sum of seventy two dollars per month.

SEC. 2. All pensioners whose pensions shall be increased by the provisions of this act from fifty dollars per month to seventy two

dollars per month shall be paid the difference between said sums monthly, from June seventeenth, eighteen hundred and seventy eight, to the time of the taking effect of this act.

LOSS OF BOTH HANDS, BOTH FEET, OR SIGHT OF BOTH EYES.

ACT JUNE 17, 1878 (20 STAT. L., 144).

That on and after the passage of this act, all soldiers and sailors who have lost either both their hands or both their feet or the sight of both eyes in the service of the United States, shall receive, in lieu of all pensions now paid them by the Government of the United States, and there shall be paid to them, in the same manner as pensions are now paid to such persons, the sum of seventy-two dollars per month.

TOTAL BLINDNESS.

ACT MARCH 3, 1879 (20 STAT. L., 484).

That the act of June seventeenth, eighteen hundred and seventy-eight, entitled "An act to increase the pensions of certain soldiers and sailors who have lost both their hands or both their feet, or the sight of both eyes, in the service of the country," be so construed as to include all soldiers and sailors who have become totally blind from causes occurring in the service of the United States.

RATE OF $100 FOR TOTAL BLINDNESS.

ACT APRIL 8, 1904 (33 STAT. L., 163).

That from and after the passage of this Act all persons on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, shall have lost both eyes, or who have become totally blind from causes occurring in the service of the United States, shall receive a pension at the rate of one hundred dollars per month: *Provided, however*, That this Act shall not be so construed as to reduce any pension under any Act, public or private.

RATE OF $100 FOR LOSS OF BOTH HANDS.

ACT FEBRUARY 12, 1889 (25 STAT. L., 659).

That from and after the passage of this act all persons who, in the military or naval service of the United States and in the line of duty, have lost both hands, shall be entitled to a pension of one hundred dollars per month.

LOSS OF ONE HAND AND ONE FOOT.

ACT FEBRUARY 28, 1877 (19 STAT. L., 264).

That all persons who, while in the military or naval service of the United States and in the line of duty, shall have lost one hand and one foot, or been totally and permanently disabled in both, shall be entitled to a pension for each of such disabilities, and at such a rate as is provided for by the provisions of the existing laws for each disability: *Provided*, That this act shall not be so construed as to reduce pensions in any case.

AMPUTATION AT OR ABOVE ELBOW OR KNEE.

ACT JUNE 18, 1874 (18 STAT. L., 78).

SECTION 1. That all persons who are now entitled to pensions under existing laws and who have lost either an arm at or above the elbow, or a leg at or above the knee, shall be rated in the second class, and shall receive twenty-four dollars per month: *Provided*, That no artificial limbs, or commutation therefor, shall be furnished to such persons as shall be entitled to pensions under this act.

SEC. 2. That this act shall take effect from and after the fourth day of June, eighteen hundred and seventy-four.

INCREASE FOR CERTAIN DISABILITIES.

ACT MARCH 3, 1883 (22 STAT. L., 453).

That from and after the passage of this act all persons on the pension-roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States, and in the line of duty, shall have lost one hand or one foot, or been totally or permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or foot, shall receive a pension of twenty-four dollars per month; that all persons now on the pension-roll and all persons hereafter granted a pension who in like manner shall have lost either an arm at or above the elbow or a leg at or above the knee, or shall have been otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require regular personal aid and attendance, shall receive a pension of thirty dollars per month: *Provided*, That nothing contained in this act shall be construed to repeal section forty-six hundred and ninety-nine of the Revised Statutes of the United States or to change the rate of eighteen dollars per month therein mentioned to be proportionately divided for any degree of disability established for which section forty-six hundred and ninety-five makes no provision.

AMPUTATION AT HIP JOINT.

ACT MARCH 3, 1879 (20 STAT. L., 483).

That all pensioners now on the pension rolls, or who may hereafter be placed thereon, for amputation of either leg at the hip joint shall receive a pension at the rate of thirty-seven dollars and fifty cents per month from the date of the approval of this act.

AMPUTATION AT SHOULDER JOINT.

ACT MARCH 3, 1885 (23 STAT. L., 437).

That all soldiers and sailors of the United States who have had an arm taken off at the shoulder joint, caused by injuries received in the service of their country while in the line of duty, and who are now receiving pensions, shall have their pensions increased to the same amount that the law now gives to soldiers and sailors who have lost a leg at the hip joint; and this act shall apply to all who shall be hereafter placed on the pension-roll.

INCREASED RATES.

ACT AUGUST 4, 1886 (24 STAT L., 220).

That from and after the passage of this act all persons on the pension-rolls, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in line of duty, shall have lost one hand or one foot, or been totally disabled in the same, shall receive a pension of thirty dollars a month; that all persons now on the pension-rolls, and all persons hereafter granted a pension, who in like manner shall have lost either an arm at or above the elbow or a leg at or above the knee, or been totally disabled in the same, shall receive a pension of thirty-six dollars per month; and that all persons now on the pension-rolls, and all persons, hereafter granted a pension who in like manner shall have lost either an arm at the shoulder-joint or a leg at the hip-joint, or so near the joint as to prevent the use of an artificial limb, shall receive a pension at the rate of forty-five dollars per month: *Provided*, That nothing contained in this act shall be construed to repeal section forty-six hundred and ninety-nine of the Revised Statutes of the United States, or to change the rate of eighteen dollars per month therein mentioned to be proportionately divided for any degree of disability established for which section forty-six hundred and ninety-five makes no provision.

INCREASED RATES.

ACT MARCH 2, 1903 (32 STAT. L., 944).

That from and after the passage of this act all persons on the pension roll, and all persons hereafter granted a pension, who, while in the military or naval service of the United States and in the line of duty, shall have lost one hand or one foot, or been totally disabled in the same, shall receive a pension at the rate of forty dollars per month; that all persons who, in like manner, shall have lost an arm at or above the elbow or a leg at or above the knee, or been totally disabled in the same, shall receive a pension at the rate of forty-six dollars per month; that all persons who, in like manner, shall have lost an arm at the shoulder joint or a leg at the hip joint, or so near the shoulder or hip joint or where the same is in such a condition as to prevent the use of an artificial limb, shall receive a pension at the rate of fifty-five dollars per month, and that all persons who, in like manner, shall have lost one hand and one foot, or been totally disabled in the same, shall receive a pension at the rate of sixty dollars per month; and that all persons who, in like manner, shall have lost both feet shall receive a pension at the rate of one hundred dollars per month: *Provided, however*, That this Act shall not be so construed as to reduce any pension under any act, public or private.

RATES FOR DEGREES OF DEAFNESS.

ACT AUGUST 27, 1888 (25 STAT. L., 449).

That from and after the passage of this act all persons on the pension-rolls of the United States, or who may hereafter be thereon, drawing pension on account of loss of hearing, shall be entitled to receive, in lieu of the amount now paid in case of such disability, the

sum of thirty dollars, in cases of total deafness, and such proportion thereof in cases of partial deafness as the Secretary of the Interior may deem equitable; the amount paid to be determined by the degree of disability existing in each case.

INCREASE—TOTAL DEAFNESS—$40.

ACT JANUARY 15, 1903 (32 STAT. L., 773).

That from and after the passage of this act all persons on the pension roll of the United States, or who may hereafter be placed thereon, receiving pension for total loss of hearing due to causes originating in the military or naval service of the United States and in the line of duty, shall be entitled to receive, in lieu of the amount now paid in case of such disability, the sum of forty dollars per month: *Provided*, That said increase shall in no manner affect the rate of pension now being paid and allowable for partial deafness, the rating for which shall be continued and determined in accordance with the provisions of existing law.

PROVISIONS AS TO TOTAL HELPLESSNESS EXTENDED.

ACT MARCH 4, 1890 (26 STAT. L., 16).

That all soldiers, sailors, and marines who have since the sixteenth day of June, eighteen hundred and eighty, or who may hereafter become so totally and permanently helpless from injuries received or disease contracted in the service and line of duty as to require the regular personal aid and attendance of another person, or who, if otherwise entitled, were excluded from the provisions of "An act to increase pensions of certain pensioned soldiers and sailors who are utterly helpless from injuries received or disease contracted while in the United States service," approved June sixteenth, eighteen hundred and eighty, shall be entitled to receive a pension at the rate of seventy-two dollars per month from the date of the passage of this act or of the certificate of the examining surgeon or board of surgeons showing such degree of disability made subsequent to the passage of this act.

FREQUENT AND PERIODICAL AID AND ATTENDANCE.

ACT JULY 14, 1892 (27 STAT. L., 149).

That soldiers and sailors who are shown to be totally incapacitated for performing manual labor by reason of injuries received or disease contracted in the service of the United States and in line of duty, and who are thereby disabled to such a degree as to require frequent and periodical, though not regular and constant, personal aid and attendance of another person, shall be entitled to receive a pension of fifty dollars per month from and after the date of the certificate of the examining surgeon or board of examining surgeons showing such degree of disability, and made subsequent to the passage of this act.

DISABILITIES NOT PERMANENT AND SPECIFIC.

SECTION 4698½, REVISED STATUTES.

Except in cases of permanent specific disabilities, no increase of pension shall be allowed to commence prior to the date of the ex-

amining surgeon's certificate establishing the same, made under the pending claim for increase, and in this, as well as all other cases, the certificate of an examining surgeon, or of a board of examining surgeons, shall be subject to the approval of the Commissioner of Pensions.

RATE OF $18 DIVISIBLE.

SECTION 4699, REVISED STATUTES.

The rate of eighteen dollars per month may be proportionately divided for any degree of disability established for which section forty-six hundred and ninety-five makes no provision.

MINIMUM RATE, $6.

ACT MARCH 2, 1895 (28 STAT. L., 704).

* * * *And it is further provided*, That from and after the passage of this Act all pensioners now on the rolls who are pensioned at less than six dollars per month, for any degree of pensionable disability, shall have their pensions increased to six dollars per month; and that hereafter, whenever any applicant for pension would under existing rates, be entitled to less than six dollars for any single disability, or several combined disabilities, such pensioner shall be rated at not less than six dollars per month: *Provided also*, That the provisions hereof shall not be held to cover any pensionable period prior to the passage of this Act, nor authorize a rerating of any claims for any part of such period, nor prevent the allowance of lower rates than six dollars per month, according to the existing practice in the Pension Office in pending cases covering any pensionable period prior to the passage of this Act.

ARREARS OF PENSIONS.

ACT JANUARY 25, 1879 (20 STAT. L., 265).

SECTION 1. That all pensions which have been granted under the general laws regulating pensions, or may hereafter be granted, in consequence of death from a cause which originated in the United States service during the continuance of the late war of the rebellion, or in consequence of wounds, injuries, or disease received or contracted in said service during said war of the rebellion, shall commence from the date of the death or discharge from said service of the person on whose account the claim has been or shall hereafter be granted, or from the termination of the right of the party having prior title to such pension: *Provided*, The rate of pension for the intervening time for which arrears of pension are hereby granted shall be the same per month for which the pension was originally granted.

SEC. 2. That the Commissioner of Pensions is hereby authorized and directed to adopt such rules and regulations for the payment of the arrears of pension hereby granted as will be necessary to cause to be paid to such pensioner, or, if the pensioner shall have died, to the person or persons entitled to the same, all such arrears of pension as the pensioner may be, or would have been, entitled to under this act.

SEC. 3. That section forty-seven hundred and seventeen of the Revised Statutes of the United States, which provides that "no claim for pension not prosecuted to a successful issue within five years from the date of filing the same shall be admitted without record evidence from the War or Navy Department of the injury or the disease which resulted in the disability or death of the person on whose account the claim is made: *Provided*, That in any case in which the limitation prescribed by this section bars the further prosecution of the claim, the claimant may present, through the Pension Office, to the Adjutant-General of the Army or the Surgeon-General of the Navy, evidence that the disease or injury which resulted in the disability or death of the person on whose account the claim is made originated in the service and in the line of duty; and if such evidence is deemed satisfactory by the officer to whom it may be submitted, he shall cause a record of the fact so proved to be made, and a copy of the same to be transmitted to the Commissioner of Pensions, and the bar to the prosecution of the claim shall thereby be removed," be, and the same is hereby, repealed.

SEC. 4. No claim agent or other person shall be entitled to receive any compensation for services in making application for arrears of pension.

SEC. 5. That all acts or parts of acts so far as they may conflict with the provisions of this act be, and the same are hereby, repealed.

RATE OF ARREARS AND COMMENCEMENT OF PENSION.

ACT MARCH 3, 1879 (20 STAT. L., 469).

SECTION 1. That the rate at which the arrears of invalid pensions shall be allowed and computed in the cases which have been or shall hereafter be allowed shall be graded according to the degree of the pensioner's disability from time to time, and the provisions of the pension laws in force over the period for which the arrears shall be computed.

That section one of the act of January twenty-fifth, eighteen hundred and seventy-nine, granting arrears of pensions shall be construed to extend to and include pensions on account of soldiers who were enlisted or drafted for the service in the War of the Rebellion, but died or incurred disability from a cause originating after the cessation of hostilities, and before being mustered out: *Provided*, That in no case shall arrears of pensions be allowed and paid from a time prior to the date of actual disability.

SEC. 2. All pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the fourth day of March, eighteen hundred and sixty-one, or in consequence of wounds or injuries received or disease contracted since that date shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted if the disability occurred prior to discharge, and if such disability occurred after the discharge then from the date of actual disability or from the termination of the right of party having prior title to such pension: *Provided*, The application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the first day of July, eighteen hundred and eighty, other-

wise the pension shall commence from the date of filing the application[1]; but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under sixteen years of age.

SEC. 3. Section forty-seven hundred and nine of the Revised Statutes is hereby repealed.

SOUNDNESS AT ENLISTMENT PRESUMED.

ACT MARCH 3, 1885 (23 STAT. L., 362).

* * * *Provided*, That all applicants for pensions shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted.

NOTES.

Act July 16, 1862 (12 Stat. L., 587), Western gunboat fleet transferred from War to Navy Department.

Act February 27, 1899 (30 Stat. L., 894), provides for relief of the Fourth Arkansas Mounted Infantry, commanded by Elisha Baxter.

Act February 2, 1901, secs. 36 and 37 (31 Stat. L., 757–8), relates to status of Philippine scouts and provisional regiment Porto Rico infantry.

Act February 27, 1905 (33 Stat. L., 816), provides for the relief of certain enlisted men of the Twentieth New York Volunteer Infantry. Honorable discharge as of June 1, 1863, etc.

[1] Limitation as to date of filing application in widows' claims removed by act of June 7, 1888, p. 45.

CHAPTER IV.

PENSIONS TO WIDOWS AND DEPENDENT RELATIVES BASED ON SERVICE SINCE MARCH 4, 1861.

WIDOWS AND MINORS—WHEN ENTITLED.

ACT AUGUST 7, 1882, AMENDING SECTION 4702, REVISED STATUTES (22 STAT. L., 345).

"SEC. 4702. If any person embraced within the provisions of sections forty-six hundred and ninety-two and forty-six hundred and ninety-three has died since the fourth day of March, eighteen hundred and sixty-one, or hereafter dies, by reason of any wound, injury or disease which under the conditions and limitations of such sections would have entitled him to an invalid pension had he been disabled, his widow, or if there be no widow, or in case of her death without payment to her of any part of the pension hereinafter mentioned, his child or children under sixteen years of age, shall be entitled to receive the same pension as the husband or father would have been entitled to had he been totally disabled, to commence from the death of the husband or father, to continue to the widow during her widowhood, and to his child or children until they severally attain the age of sixteen years, and no longer; and if the widow remarry, the child or children shall be entitled from the date of remarriage, except when such widow has continued to draw the pension-money after her remarriage, in contravention of law, and such child or children have resided with and been supported by her, their pension will commence at the date to which the widow was last paid."

SECTION 2. That marriages, except such as are mentioned in section forty-seven hundred and five of the Revised Statutes shall be proven in pension cases to be legal marriages according to the law of the place where the parties resided at the time of marriage or at the time when the right to pension accrued; and the open and notorious adulterous cohabitation of a widow who is a pensioner shall operate to terminate her pension from the commencement of such cohabitation.

INCREASED RATE—WIDOWS, MINORS, AND DEPENDENTS.

ACT MARCH 19, 1886 (24 STAT. L., 5).

SECTION 1. That from and after the passage of this act the rate of pension for widows, minor children, and dependent relatives now on the pension-roll, or hereafter to be placed on the pension-roll, and entitled to receive a less rate than hereinafter pro-

vided, shall be twelve dollars per month; and nothing herein shall be construed to affect the existing allowance of two dollars per month for each child under the age of sixteen years: *Provided*, That this act shall apply only to widows who were married to the deceased soldier or sailor prior to its passage and to those who may hereafter marry prior to or during the service of the soldier or sailor. And all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 2. That no claim agent or attorney shall be recognized in the adjudication of claims under this act, nor shall any such person be entitled to receive any compensation whatever for services or pretended services in making applications thereunder.

COMMENCEMENT OF WIDOW'S PENSION.

ACT JUNE 7, 1888 (25 STAT. L., 173).

That all pensions which have been, or which may hereafter be, granted under the general laws regulating pensions to widows in consequence of death occurring from a cause which originated in the service since the fourth day of March, eighteen hundred and sixty-one, shall commence from the date of death of the husband: * * *.

SOLDIERS MURDERED AT CENTRALIA, MO.

ACT MARCH 3, 1875 (18 STAT. L., 671).

SECTION 1. That the provisions of existing pension laws be, and the same are hereby, extended to the widows, children, dependent mothers and fathers, or orphan brothers and sisters, in the order named, of those lately discharged soldiers of the Army of the United States, who were murdered by guerrillas at Centralia, Missouri, in eighteen hundred and sixty-four, while being transported on the North Missouri Railroad.

SEC. 2. That the provisions of this act shall be construed to extend to the widows, children, dependent mothers and fathers, or orphan brothers and sisters, in the order named, of any member of the Missouri militia who was murdered as aforesaid by guerrillas at Centralia, Missouri, in eighteen hundred and sixty-four.

INCREASE ON ACCOUNT OF MINOR CHILDREN.

SECTION 4703, REVISED STATUTES.

The pensions of widows shall be increased from and after the twenty-fifth day of July, eighteen hundred and sixty-six at the rate of two dollars per month for each child under the age of sixteen years, of the husband on account of whose death the claim has been, or shall be, granted. And in every case in which the deceased husband has left, or shall leave, no widow, or where his widow has died or married again, or where she has been deprived of her pension under the provisions of the pension-law, the pension granted to such child or children shall be increased to the same amount per month that would be allowed under the foregoing provisions to the widow, if living and entitled to a pension: *Provided*, That the additional pen-

sion herein granted to the widow on account of the child or children of the husband by a former wife shall be paid to her only for such period of her widowhood as she has been, or shall be, charged with the maintenance of such child or children; for any period during which she has not been, or she shall not be, so charged, it shall be granted and paid to the guardian of such child or children: *Provided further*, That a widow or guardian to whom increase of pension has been, or shall hereafter be, granted on account of minor children, shall not be deprived thereof by reason of their being maintained in whole or in part at the expense of a State or the public in any educational institution, or in any institution organized for the care of soldiers' orphans.[1]

WIDOWS AND MINORS; CAUSE OF DEATH NOT MATERIAL.

ACT JUNE 27, 1890 (26 STAT. L., 182).

SEC. 3.[2] That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged has died, or shall hereafter die, leaving a widow without other means of support than her daily labor, or minor children under the age of sixteen years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his army service, be placed on the pension-roll from the date of the application therefor under this act, at the rate of eight dollars per month during her widowhood, and shall also be paid two dollars per month for each child of such officer or enlisted man under sixteen years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and this proviso shall apply to all pensions heretofore granted or hereafter to be granted under this or any former statute, and such pensions shall commence from the date of application therefor after the passage of this act: *And provided further*, That said widow shall have married said soldier prior to the passage of this act.[3]

WIDOWS AND MINORS; NET INCOME.

ACT MAY 9, 1900 (31 STAT. L., 170).

That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged has died, or shall hereafter die, leaving a widow without means of support other than her daily labor, and an actual net income not exceeding two hundred and

[1] The $2 additional pension granted under this section on account of minor children under 16 years of age may be continued in cases of insane, idiotic, or helpless children during the life of such children or during the period of their disability, under the proviso of the third section of the act of June 27, 1890, and amendment of May 9, 1900.

[2] See joint resolution, Feb. 15, 1895, p. 31.

[3] Fee for prosecution of claim not to be greater than $10. (See sec. 4, act June 27, 1890, p. 115.)

fifty dollars per year, or minor children under the age of sixteen years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army service, be placed on the pension roll from the date of the application therefor under this Act, at the rate of eight dollars per month during her widowhood, and shall also be paid two dollars per month for each child of such officer or enlisted man under sixteen years of age; and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen: *Provided*, That in case a minor child is insane, idiotic, or otherwise physically or mentally helpless, the pension shall continue during the life of said child, or during the period of such disability; and this proviso shall apply to all pensions heretofore granted or hereafter to be granted under this or any former statute; and such pensions shall commence from the date of application therefor after the passage of this Act: *And provided further*, That said widow shall have married said soldier prior to the passage of the said Act of June twenty-seventh, eighteen hundred and ninety.[1]

INCREASE, WIDOWS AND MINORS; REGARDLESS OF INCOME.

ACT APRIL 19, 1908 (35 STAT. L., 64).

SECTION 1. That from and after the passage of this Act the rate of pension for widows, minor children under the age of sixteen years, and helpless minors as defined by existing laws, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereinafter provided, shall be twelve dollars per month; and nothing herein shall be construed to affect the existing allowance of two dollars per month for each child under the age of sixteen years and for each helpless child; and all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed: *Provided, however*, That this Act shall not be so construed as to reduce any pension under any act, public or private.

SEC. 2. That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late civil war and who has been honorably discharged therefrom has died or shall hereafter die, leaving a widow, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his army or navy service, be placed on the pension roll from the date of the filing of her application therefor under this Act at the rate of twelve dollars per month during her widowhood, provided that said widow shall have married said soldier or sailor prior to June twenty-seventh, eighteen hundred and ninety; and the benefits of this section shall include those widows whose husbands if living would have a pensionable status under the Joint Resolutions of February fifteenth, eighteen hundred and ninety-five, July first, nineteen hundred and two, and June twenty-eighth, nineteen hundred and six.[2]

[1] Fee for services in prosecution of claim not to be greater than $10. (See sec. 4, act June 27, 1890, p. 115.)

[2] No fee for prosecution of claim under sec. 1. Under sec. 2 fee shall not be greater than $10. (See p. 117.)

CONTINUOUS COHABITATION; DATE OF MARRIAGE.

ACT MARCH 3, 1899 (30 STAT. L., 1379).

* * * *Provided further*, That hereafter no pension under any law of the United States shall be granted, allowed, or paid to the widow of a soldier, sailor, officer, naval or military, marine, marine officer, or any other male person entitled to a pension under any law of the United States, unless it shall be proved and established that the marriage of such widow to the soldier, sailor, officer, marine, or other person on account of whose service the pension is asked, was duly and legally contracted and entered into prior to the passage of this Act, or unless such wife shall have lived and cohabited with such soldier, sailor, officer, marine, marine officer, or other person continuously from the date of the marriage to the date of his death, or unless the marriage shall take place hereafter and prior to or during the military or naval service of the soldier, sailor, officer, marine, or other person on account of whose service the pension is asked or claimed. This proviso shall not apply to or affect the widow of any soldier, sailor, marine, officer, or marine officer serving or who has served in the war between the United States and the Kingdom of Spain.

LEGITIMACY OF CHILDREN.

SECTION 4704, REVISED STATUTES.

In the administration of the pension laws children born before the marriage of their parents, if acknowledged by the father before or after the marriage, shall be deemed legitimate.

WIDOWS OF COLORED AND INDIAN SOLDIERS.

SECTION 4705, REVISED STATUTES.

The widows of colored and Indian soldiers and sailors who have died, or shall hereafter die, by reason of wounds or injuries received, or casualty received, or disease contracted, in the military or naval service of the United States, and in the line of duty, shall be entitled to receive the pension provided by law without other evidence of marriage than satisfactory proof that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as man and wife, and were so recognized by their neighbors, and lived together as such up to the date of enlistment, when such soldier or sailor died in the service, or, if otherwise, to date of death; and the children born of any marriage so proved shall be deemed and held to be lawful children of such soldier or sailor, but this section shall not be applicable to any claims on account of persons who enlist after the third day of March, one thousand eight hundred and seventy-three.

ABANDONMENT OF CHILDREN BY WIDOW.

SECTION 4706, REVISED STATUTES.

If any person has died, or shall hereafter die, leaving a widow entitled to a pension by reason of his death and a child or children under sixteen years of age by such widow, and it shall be duly cer-

tified under seal by any court having probate jurisdiction, that satisfactory evidence has been produced before such court, upon due notice to the widow, that she has abandoned the care of such child or children, or that she is an unsuitable person, by reason of immoral conduct, to have the custody of the same, on presentation of satisfactory evidence thereof to the Commissioner of Pensions, no pension shall be allowed to such widow until such child or children shall have attained the age of sixteen years, any provisions of law to the contrary notwithstanding; and the said child or children shall be pensioned in the same manner, and from the same date, as if no widow had survived such person, and such pension shall be paid to the guardian of such child or children; but if in any case payment of pension shall have been made to the widow, the pension to the child or children shall commence from the date to which her pension has been paid.

DEPENDENT RELATIVES.

SECTION 4707, REVISED STATUTES.

If any person embraced within the provisions of sections forty-six hundred and ninety-two and forty-six hundred and ninety-three has died since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound, injury, casualty, or disease, which under the conditions and limitations of such sections would have entitled him to an invalid pension, and has not left or shall not leave a widow or legitimate child, but has left or shall leave other relative or relatives who were dependent upon him for support, in whole or in part, at the date of his death, such relative or relatives shall be entitled, in the following order of precedence, to receive the same pension as such person would have been entitled to had he been totally disabled, to commence from the death of such person, namely: first, the mother; secondly, the father; thirdly, orphan brothers and sisters under sixteen years of age, who shall be pensioned jointly: *Provided*, That where orphan children of the same parent have different guardians, or a portion of them only are under guardianship, the share of the joint pension to which each ward shall be entitled shall be paid to the guardian of such ward: *Provided*, That if in any case said person shall have left father and mother who were dependent upon him, then, on the death of the mother, the father shall become entitled to the pension, commencing from and after the death of the mother; and upon the death of the mother and father, or upon the death of the father and the remarriage of the mother, the dependent brothers and sisters under sixteen years of age shall jointly become entitled to such pension until they attain the age of sixteen years respectively, commencing from the death or remarriage of the party who had the prior right to the pension: *Provided*, That a mother shall be assumed to have been dependent upon her son within the meaning of this section if, at the date of his death, she had no other adequate means of support than the ordinary proceeds of her own manual labor and the contributions of said son or of any other persons not legally bound to aid in her support; and if, by actual contributions, or in any other way, the son had recognized his obligations to aid in support of his mother,

or was by law bound to such support, and that a father or minor brother or sister shall, in like manner and under like conditions, be assumed to have been dependent, except that the income which was derived or derivable from his actual or possible manual labor shall be taken into account in estimating a father's means of independent support: *Provided further*, That the pension allowed to any person on account of his or her dependence, as hereinbefore provided, shall not be paid for any period during which it shall not be necessary as a means of adequate subsistence.[1]

PARENTS' DEPENDENCE AT DATE OF FILING CLAIM.

ACT JUNE 27, 1890 (26 STAT. L., 182).

SECTION 1. That in considering the pension claims of dependent parents, the fact of the soldier's death by reason of any wound, injury, casualty, or disease which, under the conditions and limitations of existing laws, would have entitled him to an invalid pension, and the fact that the soldier left no widow or minor children having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such parent or parents are without other present means of support than their own manual labor or the contributions of others not legally bound for their support: *Provided*, That all pensions allowed to dependent parents under this act shall commence from date of the filing of the application hereunder and shall continue no longer than the existence of the dependence.

STEAMER JEANNETTE.

ACT JANUARY 3, 1887 (24 STAT. L., 883).

SEC. 2. That the twenty-third day of March, eighteen hundred and eighty-two, being the date of finding the remains of the commanding officer and others of the said expedition, shall be deemed and taken to be the date of the decease of the following-named officers and enlisted men of the expedition who lost their lives in the retreat from the wreck of the said steamer Jeannette, namely: Lieutenant-Commander George W. De Long; Lieutenant Charles W. Chipp; Passed Assistant Surgeon James M. Ambler; Jerome J. Collins, meteorologist; William Dunbar, ice-pilot; Walter Lee, machinist; Henrich H. Kaack, Carl A. Gortz, Adolph Dressler, Hans H. Erichsen, Ah Sam, Alfred Sweetman, Henry D. Warren, Peter E. Johnson, Edward Star, and Albert G. Kuehne, seamen; Nelse Iverson, George W. Boyd, and Walter Sharvill, coal-heavers; and seaman Alexy.

SEC. 3. * * * *Provided further*, That in any case where heretofore a pension has been granted, or may hereafter in fact be granted, to any such widow, child, or dependent parent, by reason of the death of any of the persons named in the second section of this act, in the payment of such pension account shall be taken of any sum paid under this act, and to the extent of its amount said sum shall be in lieu and stead of such pension, and no further.

[1] See sec. 1, act June 27, 1890, following. Claims filed after June 27, 1890, are adjudicated under sec. 4707, R. S., as amended by sec. 1, act June 27, 1890 the attorney fee being limited to $10. (19 P. D., 154.)

STEAMER ASHUELOT.

ACT JANUARY 29, 1887 (24 STAT. L., 891).

SEC. 2. That the widow, child, or children, or in case there be not such, then the surviving parent or parents of those in the service who were lost in the wreck of the United States steamer Ashuelot, namely: William Gronan, seaman; George Valentine, captain of the hold; Fritz Rackenbach, quartermaster; William Bronson, landsman; Saint Leger Crone, quarter-gunner; Ah Kid, painter; Sun Shing, carpenter's mate; George Ashton, carpenter; Ah Yoo, landsman; Andrew Scotland, private marine; and Benjamin H. Wohlrab, landsman, shall be entitled to and receive, out of any money in the Treasury of the United States not otherwise appropriated, as follows, to wit: The relatives, in the order named, of the persons connected with the United States steamer Ashuelot hereinbefore referred to, a sum equal to twelve months' sea-pay of each person lost: *Provided*, That in any case where heretofore a pension has been granted, or may hereafter in fact be granted, to any such widow, child, or dependent parent by reason of the death of any of the persons named in this section, in the payment of such pension account shall be taken of any sum paid as above provided, and to the extent of its account said sum shall be in lieu and stead of such pension, and no further: * * *

U. S. S. MAINE.

ACT MARCH 30, 1898 (30 Stat. L., 346).

* * * *Provided*, That nothing herein shall affect the right of any of the beneficiaries under this Act to any pension to which they may be entitled under existing law after the expiration of one year from said fifteenth day of February, eighteen hundred and ninety-eight.

REMARRIAGE OF WIDOW, MOTHER, OR SISTER.

SECTION 4708, REVISED STATUTES.

The remarriage of any widow, dependent mother, or dependent sister, entitled to pension, shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister, having a pension, such pension shall cease.

RENEWAL OF PENSION TO CERTAIN REMARRIED WIDOWS.

ACT MARCH 3, 1901, AMENDING SECTION 4708, REVISED STATUTES (31 STAT. L., 1445).

SECTION 1. * * *.

SEC. 4708. The remarriage of any widow, dependent mother, or dependent sister entitled to pension shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister having a pension, such pension shall cease: *Provided, however*, That any widow who

was the lawful wife of any officer or enlisted man in the Army, Navy, or Marine Corps of the United States, during the period of his service in any war, and whose name was placed or shall hereafter be placed on the pension roll because of her husband's death as the result of wound or injury received or disease contracted in such military or naval service, and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced, upon her own application and without fault on her part, and if she is without means of support other than her daily labor as defined by the Acts of June twenty-seventh, eighteen hundred and ninety, and May ninth, nineteen hundred, shall be entitled to have her name again placed on the pension roll at the rate now provided for widows by the Acts of July fourteenth, eighteen hundred and sixty-two, March third, eighteen hundred and seventy-three, and March nineteenth, eighteen hundred and eighty-six, such pension to commence from the date of the filing of her application in the Pension Bureau after the approval of this Act: *And provided further*, That where such widow is already in receipt of a pension from the United States she shall not be entitled to restoration under this Act:[1] *And provided further*, That where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of sixteen years, she shall not be entitled to restoration under this Act unless said helpless or idiotic child, or child or children under sixteen years of age, be then a member or members of her family and cared for by her, and upon the restoration of said widow the payment of pension to said child or children shall cease.[2]

SEC. 2. No claim agent or other person shall be entitled to receive any compensation for services in making application for pension under this Act.

REMARRIED WIDOWS; RENEWAL; RIGHTS EXTENDED.

ACT FEBRUARY 28, 1903, AMENDING SECTION 4708, REVISED STATUTES (32 STAT. L., 920).

SECTION 1. * * *

"SEC. 4708. The remarriage of any widow, dependent mother, or dependent sister entitled to pension shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister having a pension such pension shall cease: *Provided, however*, That any widow who was the lawful wife of any officer or enlisted man or other person in the Army, Navy, or Marine Corps of the United States, as described in paragraphs one, two, and three of section forty-six hundred and ninety-three of the Revised Statutes of the United States, during the period of his service in any war, and whose name was placed or shall hereafter be placed on the pension roll because of her husband's death as the result of wound or injury received or dis-

[1] Right of election under sec. 4715, however, exists. (13 P. D., 378.)
[2] See act Feb. 28, 1903, following.

ease contracted in such military or naval service, and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced, upon her own application and without fault on her part, and if she is without means of support other than her daily labor, as defined by the Acts of June twenty-seventh, eighteen hundred and ninety, and May ninth, nineteen hundred, shall be entitled to have her name again placed on the pension roll at the rate now provided for widows by the Acts of July fourteenth, eighteen hundred and sixty-two, March third, eighteen hundred and seventy-three, and March nineteenth, eighteen hundred and eighty-six, such pension to commence from the date of the filing of her application in the Pension Bureau after the approval of this Act: *And provided further*, That where such widow is already in receipt of a pension from the United States she shall not be entitled to restoration under this Act:[1] *And provided further*, That where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of sixteen years, she shall not be entitled to restoration under this Act unless said helpless or idiotic child, or child or children under sixteen years of age, be then a member or members of her family and cared for by her, and upon the restoration of said widow the payment of pension to said child or children shall cease."

SEC. 2. That the provisions of this act shall be extended to those widows otherwise entitled whose husbands died of wounds, injuries, or disease contracted during the period of their military or naval service, but who were deprived of pension under the Act of March third, eighteen hundred and sixty-five, because of their failure to draw any pension by reason of their remarriage.

SEC. 3. That no claim agent or other person shall be entitled to receive any compensation for services in making application for pension under this Act.

PRESUMPTION OF DEATH.

ACT MARCH 13, 1896 (29 STAT. L., 57).

That in considering claims filed under the pension laws, the death of an enlisted man or officer shall be considered as sufficiently proved if satisfactory evidence is produced establishing the fact of the continued and unexplained absence of such enlisted man or officer from his home and family for a period of seven years, during which period no intelligence of his existence shall have been received.[2] And any pension granted under this Act shall cease upon proof that such officer or enlisted man is still living.

SECTION 4735, REVISED STATUTES.

No pension shall be granted to a widow for the same time that her husband received one.

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[1] Right of election under sec. 4715, however, exists. (13 P. D., 378.)
[2] Accrued pension; invalid claims. (12 P. D., 208.)

CHAPTER V.

NAVY AND PRIVATEER PENSION FUND.

Section 4750, Revised Statutes, designates the Secretary of the Navy as the trustee of the Navy pension fund.

Section 4758, Revised Statutes, designates the Secretary of the Navy as the trustee of the privateer pension fund.

Section 4751, Revised Statutes, repealed in part by sec. 5, act June 3, 1878 (20 Stat. L., 90), and sec. 4752, R. S., relate to creation of Navy pension fund.

Section 4753, Revised Statutes, relates to investment of, and section 4754, Revised Statutes, to rate of interest on, Navy pension fund.

Section 4755, Revised Statutes, prescribes that Navy pensions shall be paid from the Navy pension fund upon appropriations authorized by Congress.

Section 4759, Revised Statutes, relates to source of privateer pension fund, and section 4760, Revised Statutes, provides that such fund shall be paid into the Treasury.

Section 4762, Revised Statutes, requires commander of every vessel having a commission, or letters of marque and reprisal, to enter in his journal the name and rank of any officer and the name of any seaman who, during his cruise, is wounded or disabled, describing the manner and extent, as far as practicable, of such wound or disability.

Section 4763, Revised Statutes, requires every collector to transmit quarterly to the Secretary of the Navy a transcript of such journals as may have been reported to him, so far as it gives a list of the officers and crew, and the description of wounds and disabilities.

TWENTY YEARS' SERVICE IN NAVY OR MARINE CORPS.

SECTION 4756, REVISED STATUTES.

There shall be paid out of the naval pension fund to every person who, from age or infirmity, is disabled from sea service, but who has served as an enlisted person, or as an appointed petty officer, or both, in the Navy or Marine Corps for the period of twenty years, and not been discharged for misconduct, in lieu of being provided with a home in the Naval Asylum, Philadelphia, if he so elects, a sum equal to one-half the pay of his rating at the time he was discharged, to be paid to him quarterly, under the direction of the Commissioner of Pensions; and applications for such pension shall be made to the Secretary of the Navy, who, upon being satisfied that the applicant comes within the provisions of this section, shall certify the same to the Commissioner of Pensions, and such certificate shall be his warrant for making payment as herein authorized.[1]

[1] See footnote following page.

TEN YEARS' SERVICE IN NAVY OR MARINE CORPS.

SECTION 4757, REVISED STATUTES.

Every disabled person who has served in the Navy or Marine Corps as an enlisted man, or as an appointed petty officer, or both, for a period not less than ten years, and not been discharged for misconduct, may apply to the Secretary of the Navy for aid from the surplus income of the naval pension-fund; and the Secretary of the Navy is authorized to convene a board of not less than three naval officers, one of whom shall be a surgeon, to examine into the condition of the applicant, and to recommend a suitable amount for his relief, and for a specified time, and upon the approval of such recommendation by the Secretary of the Navy, and a certificate thereof to the Commissioner of Pensions, the amount shall be paid in the same manner as is provided in the preceding section for the payment to persons disabled by long service in the Navy; but no allowance so made shall exceed the rate of a pension for full disability corresponding to the grade of the applicant, nor, if in addition to a pension, exceed one-fourth the rate of such pension.[1]

WOUNDED OR DISABLED PRIVATEERSMEN.

SECTION 4761, REVISED STATUTES.

The Secretary of the Interior is required to place on the pension-list, under the like regulations and restrictions as are used in relation to the Navy of the United States, any officer, seaman, or marine, who, on board of any private armed vessel bearing a commission of letter of marque, shall have been wounded or otherwise disabled in any engagement with the enemy, or in the line of their duty as officers, seamen, or marines of such private armed vessel; allowing to the captain a sum not exceeding twenty dollars per month; to lieutenants and sailing-master a sum not exceeding twelve dollars each per month; to marine officer, boatswain, gunner, carpenter, master's mate, and prize masters a sum not exceeding ten dollars each per month; to all other officers a sum not exceeding eight dollars each per month, for the highest rate of disability, and so in proportion; and to a seaman, or acting as a marine, the sum of six dollars per month, for the highest rate of disability, and so in proportion; which several pensions shall be paid from moneys appropriated for the payment of pensions.

NOTES.

The pension laws relating to service subsequent to March 4, 1861, apply equally to service in the Army, Navy, or Marine Corps.

The law provides that Navy pensions shall be paid from the income of the Navy pension fund so far as the same shall be sufficient for that purpose (38 Stat. L., 387).

For the fiscal year ended June 30, 1915, $5,810,475.39, was disbursed for Navy pensions, of which $353,848.66 was paid from the Navy pension fund.

[1] Secs. 4756 and 4757, R. S., as amended by act Dec. 23, 1886 (24 Stat. L., 353, as construed by Secretary of the Interior, 12 P. D., 166), grant money benefits over the allowance of which the Commissioner of Pensions has no jurisdiction, and are intended to be a further provision for the support of the beneficiaries thereunder in addition to the pension granted by the pension laws. Sec. 4715, R. S., and proviso of second section of act June 27, 1890, have no application to this class of cases.

CHAPTER VI.

APPLICATIONS AND ATTORNEYS.

COMMISSIONER TO FURNISH PRINTED INSTRUCTIONS.

SECTION 4748, REVISED STATUTES.

That the Commissioner of Pensions, on application being made to him in person, or by letter, by any claimant or applicant for pension, bounty-land, or other allowance required by law to be adjusted or paid by the Pension-Office, shall furnish such person, free of all expense, all such printed instructions and forms as may be necessary in establishing and obtaining said claim; and on the issuing of a certificate of pension or of a bounty-land warrant he shall forthwith notify the claimant or applicant, and also the agent or attorney in the case, if there be one, that such certificate has been issued, or allowance made, and the date and amount thereof.

EXECUTION OF PAPERS IN PENSION CLAIMS.

ACT JULY 26, 1892 (27 STAT. L., 272).

SECTION 1. That declarations of pension claimants shall be made before a court of record, or before some officer thereof having custody of its seal, or before some officer who, under the laws of his State, city or county, has authority to administer oaths for general purposes; and said officers are hereby fully authorized and empowered to administer and certify any oath or affirmation relating to any pension or application therefor: *Provided*, That where such declaration or other papers are executed before an officer authorized as above, but not required by the laws of his State to have and use a seal to authenticate his official acts, he shall file in the Pension Bureau a certificate of his official character, showing his official signature and term of office, certified by a clerk of a court of record or other proper officer of the State as to the genuineness thereof; and when said certificate has been filed in the Bureau of Pensions his own certificate will be recognized during his term of office.

SEC. 2. That the Commissioner of Pensions may accept declarations and other papers of claimants residing in foreign countries made before a United States minister or consul or other consular officer, or before some officer of the country duly authorized to administer oaths for general purposes, and whose official character and signature shall be duly authenticated by the certificate of a United States minister or consul or other consular officer; and declarations in claims of Indians may be made before a United States Indian agent.

SEC. 3. That any and all declarations or affidavits now on file in the Pension Bureau which are considered informal by reason of not having been executed in conformity to the laws heretofore in force covering such, and in which it is shown or may be hereafter shown by proper evidence that the same were executed by and before an officer who was duly authorized to administer oaths for general purposes at said date of execution, shall be accepted as formal as from date of filing such declarations or affidavits.

SEC. 4. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

OATHS BEFORE UNITED STATES COMMISSIONERS.

SECTION 1778, REVISED STATUTES.

In all cases in which, under the laws of the United States, oaths or acknowledgments may now be taken or made before any justice of the peace of any State or Territory, or in the District of Columbia, they may hereafter be also taken or made by or before any notary public duly appointed in any State, district, or Territory, or any of the commissioners of the circuit courts,[1] and, when certified under the hand and official seal of such notary or commissioner, shall have the same force and effect as if taken or made by or before such justice of the peace.

UNITED STATES COMMISSIONER TO AFFIX SEAL.

ACT JUNE 28, 1906 (34 STAT. L., 546).

That each United States commissioner shall provide himself with an official impression seal, to be prescribed by the Attorney General, which said seal shall be affixed to each jurat or certificate of the official acts of said commissioner, but no increase of fees shall be allowed by reason thereof.

INDIAN AGENTS TO ADMINISTER OATHS.

SECTION 2064, REVISED STATUTES.

Indian agents are authorized to take acknowledgments of deeds, and other instruments of writing, and to administer oaths in investigations committed to them in Indian country, pursuant to such rules and regulations as may be prescribed for that purpose, by the Secretary of the Interior; and acknowledgments so taken shall have the same effect as if taken before a justice of the peace.

RESTRICTION AS TO FORMER EMPLOYÉS.

SECTION 190, REVISED STATUTES.

It shall not be lawful for any person appointed after the first day of June, one thousand eight hundred and seventy-two, as an officer, clerk, or employé in any of the Departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States

[1] Office of commissioners of circuit courts abolished, and United States commissioners created by sec. 19, act approved May 28, 1896 (29 Stat. L., 184).

which was pending in either of said Departments while he was such officer, clerk, or employé; nor in any manner nor by any means to aid in the prosecution of any such claim within two years next after he shall have ceased to be such officer, clerk, or employé.[1]

NOTARIES PUBLIC, DISTRICT OF COLUMBIA, NOT PROHIBITED.

ACT JUNE 29, 1906 (34 STAT. L., 622).

That section five hundred and fifty-eight[2] of the Code of Law for the District of Columbia, relating to notaries public, be amended by adding at the end of said section the following: "*Provided*, That the appointment of any person as such notary public, or the acceptance of his commission as such, or the performance of the duties thereunder, shall not disqualify or prevent such person from representing clients before any of the departments of the United States Government in the District of Columbia or elsewhere, provided such person so appointed as a notary public who appears to practice or represent clients before any such Department is not otherwise engaged in Government employ, and shall be admitted by the heads of such Departments to practice therein in accordance with the rules and regulations prescribed for other persons or attorneys who are admitted to practice therein: *And provided further*, That no notary public shall be authorized to take acknowledgments, administer oaths, certify papers, or perform any official acts in connection with matters in which he is employed as counsel, attorney, or agent or in which he may be in any way interested before any of the Departments aforesaid."

OATH OF ALLEGIANCE IN CERTAIN CASES.

SECTION 3478, REVISED STATUTES.

Any person prosecuting claims, either as attorney or on his own account, before any of the Departments or Bureaus of the United States, shall be required to take the oath of allegiance, and to support the Constitution of the United States, as required of persons in the civil service.[3]

WHO MAY ADMINISTER OATH OF ALLEGIANCE.

SECTION 3479, REVISED STATUTES.

The oath provided for in the preceding section may be taken before any justice of the peace, notary public, or other person who is legally authorized to administer an oath in the State or district where the same may be administered.

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[1] Claims for *increase* of pension are not considered or held as claims pending. (Secretary's decision, Oct. 6, 1885, case of Luther Harrison.)

[2] SEC. 558. *Notaries.*—The President shall also have power to appoint such number of notaries public, residents of said District, as, in his discretion, the business of the District may require. (Code of Law, D. C.)

[3] Form of oath required (sec. 1757, R. S.):

I, ——— ———, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

COMMISSIONER TO APPROVE AMOUNT OF FEE.

SECTION 4768, REVISED STATUTES.

The Commissioner of Pensions shall forward the certificate of pension, granted in any case, to the agent for paying pensions where such certificate is made payable, and at the same time forward therewith one of the articles of agreement filed in the case and approved by the Commissioner, setting forth the fee agreed upon between the claimant and the attorney or agent, and where no agreement is on file, as hereinbefore provided, he shall direct that a fee of ten dollars only be paid the agent or attorney.

FEE TO BE DEDUCTED FROM PENSION.

SECTION 4769, REVISED STATUTES.

It shall be the duty of the agent paying such pension to deduct from the amount due the pensioner the amount of fee so agreed upon or directed by the Commissioner to be paid where no agreement is filed and approved, and to forward or cause to be forwarded to the agent or attorney of record named in such agreement, or, in case there is no agreement, to the agent prosecuting the case, the amount of the proper fee, deducting therefrom the sum of thirty cents in payment of his services in forwarding the same.[1]

ATTORNEYS' FEES AND FEE AGREEMENTS.

ACT JULY 4, 1884 (23 STAT. L., 99).

SECTION 1. * * * That the act entitled "An act relating to claim agents and attorneys in pension cases," approved June twentieth, eighteen hundred and seventy-eight, is hereby repealed: *Provided, however*, That the rights of the parties shall not be abridged or affected as to contracts in pending cases, as provided for in said act; but such contracts shall be deemed to be and remain in full force and virtue, and shall be recognized as contemplated by said act.

SEC. 2. That sections forty-seven hundred and sixty-eight, forty-seven hundred and sixty-nine, and forty-seven hundred and eighty-six of the Revised Statutes are hereby made applicable also to all cases hereafter filed with the Commissioner of Pensions, and to all cases so filed since June twentieth, eighteen hundred and seventy-eight, and which have not been heretofore allowed, except as hereinafter provided.

SEC. 3. That section forty-seven hundred and eighty-five of the Revised Statutes is hereby reenacted and amended so as to read as follows:

"SEC. 4785. No agent or attorney or other person shall demand or receive any other compensation for his services in prosecuting a claim for pension or bounty land than such as the Commissioner of Pensions shall direct to be paid to him, not exceeding twenty-five dollars; nor shall such agent, attorney or other person demand or

[1] By act Mar. 3, 1885 (23 Stat. L., 362), a pension agent's salary was limited to $4,000 per annum, repealing by implication the allowance of 30 cents from an attorney fee. By act Aug. 17, 1912 (37 Stat. L., 311), pension agencies and pension agents were abolished and the office of disbursing clerk in the Bureau of Pensions, for the payment of pensions, was created.

receive such compensation, in whole or in part, until such pension or bounty-land claim shall be allowed: *Provided*, That in all claims allowed since June twentieth, eighteen hundred and seventy-eight where it shall appear to the satisfaction of the Commissioner of Pensions that the fee of ten dollars, or any part thereof, has not been paid, he shall cause the same to be deducted from the pension, and the pension agent to pay the same to the recognized attorney."

SEC. 4. That section forty-seven hundred and eighty-six of the Revised Statutes is hereby amended so as to read as follows:

SEC. 4786. The agent or attorney of record in the prosecution of the case may cause to be filed with the Commissioner of Pensions, duplicate articles of agreement, without additional cost to the claimant, setting forth the fee agreed upon by the parties, which agreement shall be executed in the presence of and certified by some officer competent to administer oaths. In all cases where application is made for pension or bounty land, and no agreement is filed with the commissioner as herein provided, the fee shall be ten dollars and no more. And such articles of agreement as may hereafter be filed with the Commissioner of Pensions are not authorized, nor will they be recognized, except in claims for original pensions, claims for increase of pension on account of a new disability,[1] in claims for restoration where a pensioner's name has been or may hereafter be dropped from the pension rolls on testimony taken by a special examiner, showing that the disability or cause of death on account of which the pension was allowed did not originate in the line of duty, and in cases of dependent relatives whose names have been or may hereafter be dropped from the rolls on like testimony, upon the ground of nondependence, and in such other cases of difficulty and trouble as the Commissioner of Pensions may see fit to recognize them: *Provided*, That no greater fee than ten dollars shall be demanded, received, or allowed in any claim for pension or bounty land granted by special act of Congress, nor in any claim for increase of pension on account of the increase of the disability for which the pension had been allowed:[2] *And provided further*, That no fee shall be demanded, received, or allowed in any claim for arrears of pension or arrears of increase of pension allowed by any act of Congress passed subsequent to the date of the allowance of the original claims in which such arrears of pension or of increase of pension, may be allowed.

The articles of agreement herein provided for shall be in substance as follows, to wit:

ARTICLES OF AGREEMENT.

Whereas I, ——— ———, late a ——— in Company ——— of the ——— regiment of ——— volunteers, war of eighteen hundred and sixty-one (or, if the service be different, here state the same), having made application for pension under the laws of the United States:

Now, this agreement witnesseth, that for and in consideration of services done and to be done in the premises, I hereby agree to allow my attorney, ——— ——— of ———, the fee of ——— dollars, which shall include all amounts to be paid for any service in furtherance of said claim; and said fee shall not be demanded by or payable to my said attorney (or attorneys), in whole or in part, except in case of the granting of my pension by the Com-

[1] Phrase "new disability," construed. (2 P. D., 236; 3 P. D., 302.)
[2] See acts Mar. 3, 1891, p. 116, and May 28, 1908, p. 117.

missioner of Pensions; and then the same shall be paid to him (or them) in accordance with the provisions of sections forty-seven hundred and sixty-eight and forty-seven hundred and sixty-nine of the Revised Statutes.

(Claimant's signature.)

(Two witnesses' signatures.)

———— ————,

———— ————.

STATE OF ———, *County of* ———, *ss:*

Be it known that on this, the —— day of ———, anno Domini eighteen hundred and eighty ——, personally appeared the above-named ———— ————, who, after having had read over to ——, in the hearing and presence of the two attesting witnesses the contents of the foregoing articles of agreement, voluntarily signed and acknowledged the same to be —— free act and deed.

(Official signature.) ———— ————.

And now, to wit, this —— day of ———, anno Domini eighteen hundred and eighty ——, I (or we) accept the provisions contained in the foregoing articles of agreement, and will, to the best of my (or our) ability, endeavor faithfully to represent the interest of the claimant in the premises.

Witness my (or our) hand, the day and year first above written.

(Signature of attorney.) ———— ————.

STATE OF ———, *County of* ———, *ss:*

Personally came ———— ————, whom I know to be the person he represents himself to be, and who, having signed above acceptance of agreement, acknowledged the same to be —— free act and deed.

(Official signature.) ———— ————.

And if in the adjudication of any claim for pension in which such articles of agreement have been, or may hereafter be, filed, it shall appear that the claimant had, prior to the execution thereof, paid to the attorney any sum for his services in such claim, and the amount so paid is not stipulated therein, then every such claim shall be adjudicated in the same manner as though no articles of agreement had been filed, deducting from the fee of ten dollars allowed by law such sum as claimant shall show that he has paid to his said attorney.[1]

SEC. 5. That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their claims and such Secretary may, after notice and opportunity for a hearing, suspend or exclude from further practice before his department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to comply with the said rules and regulations, or who shall with intent to defraud in any manner deceive, mislead, or threaten any claimant, or prospective claimant, by word, circular, letter, or by advertisement.

[1] A penalty is prescribed for any person instrumental in prosecuting any claim for pension or bounty land under this act who shall, directly or indirectly, contract for, demand, receive, or retain any greater compensation for his services or instrumentality in prosecuting a claim for pension or bounty land than is therein provided, or for the payment thereof at any other time or in any other manner than therein provided; or who shall wrongfully withhold from a pensioner, or a claimant, the whole or any part of the pension or claim allowed and due such pensioner, or claimant, or the land warrant issued to any such claimant. (See p. 115.)

SEC. 6. The Commissioner shall have power, subject to review by the Secretary, to reject or refuse to recognize any contract for fees, herein provided for, whenever it shall be made to appear that any undue advantage has been taken of the claimant in respect to such contract.

NOTES.

Act March 3, 1891 (26 Stat. L., 1082), provides that no agent or attorney shall demand, receive or be allowed any compensation exceeding $2 in any claim for increase of pension on account of the increase of the disability for which pension has been allowed, and provides penalty for violation. (See p. 116.)

Act May 28, 1908 (35 Stat. L., 419), prescribes penalty for any person who receives any compensation for services rendered in securing the introduction of a bill or the passage thereof through Congress granting pension or increase of pension. (See p. 117.)

Act June 27, 1890 (26 Stat. L., 183), prescribes penalty for any person engaged in preparing, presenting or prosecuting any claim thereunder, who directly or indirectly contracts for, demands, receives or retains for such services in preparing, presenting or prosecuting such claim, a sum greater than $10, which sum shall be payable only upon the order of the Commissioner of Pensions by the Disbursing Clerk making payment of the pension allowed. (See p. 115.)

Act April 19, 1908 (35 Stat. L., 64), provides that no claim agent or attorney shall be recognized in the adjudication of claims under its first section, and prescribes a penalty for any person engaged in preparing, presenting or prosecuting any claim under its second section, who shall directly or indirectly contract for, demand, receive or retain for such services in preparing, presenting or prosecuting such claim, a sum greater than $10, which sum shall be payable only upon the order of the Commissioner of Pensions by the Disbursing Clerk making payment of the pension allowed. (See p. 117.)

Act August 5, 1892 (27 Stat. L., 349), provides that no fee, compensation or allowance shall be paid to, received or accepted by any person instrumental in the prosecution of a claim thereunder, and prescribes a penalty for any person who may make claim upon any applicant for any fee, compensation or allowance for services in connection with the prosecution of such a claim. (See p. 116.)

Act March 19, 1886 (24 Stat. L., 5), provides that no claim agent, or attorney shall be recognized in the adjudication of claims thereunder, nor shall any such person be entitled to receive any compensation whatever for services or pretended services in making such applications. (See p. 45.)

Act March 3, 1901 (31 Stat. L., 1446), and Act February 28, 1903 (32 Stat. L., 921), provide that no claim agent or other person shall be entitled to any compensation for services rendered in making application for pension under said acts. (See pp. 52, 53.)

Act February 6, 1907 (34 Stat. L., 879), provides that no pension attorney, claim agent or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension thereunder. (See p. 32.)

Act June 27, 1902 (32 Stat. L., 400), and Act May 30, 1908 (35 Stat. L., 553), provide that all contracts theretofore made between

the beneficiaries under said acts and pension attorneys and claim agent are null and void. (See pp. 14, 15.)

Act May 11, 1912 (37 Stat. L., 113), provides that no person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension thereunder, except in applications for original pension by persons who had not theretofore received a pension. (See p. 34.)

REGULATIONS GOVERNING ATTORNEYS.

The following sections in this chapter consist of excerpts from an office publication not available for general distribution, and the numbers of sections correspond with the numbers of sections in that publication:

344. A person appearing of record in the Bureau of Pensions as having complied with the regulations prescribed by the Secretary of the Interior for the recognition of agents or attorneys before the Department of the Interior may be recognized to prosecute any claim for pension or bounty land in which the law does not prohibit the employment of an attorney or the payment of an attorney's fee, on filing a power of attorney from the claimant: *Provided, however,* That the Commissioner of Pensions, in his discretion, may recognize such person without compensation in any claim for pension or bounty land heretofore filed, or that may hereafter be filed, in which the law prohibits the payment of such fee: *And provided,* That where the power of attorney is in the name of a firm of agents or attorneys some duly qualified member thereof must enter an appearance therein on behalf of the firm.

346. No person can be recognized as an agent or attorney before this bureau until he shall have complied with the regulations adopted in pursuance of the act of July 4, 1884. If the attorney has not complied with such regulations he shall be so notified and furnished with the proper blanks and a copy of such regulations and of the oath required.

348. The relation of "principal and agent" is that which shall be recognized as the relation subsisting between claimants and those acting for them in prosecuting their claims before this bureau.

349. Consent of the attorney of record to a revocation or a transfer of his power shall be required, except in such cases as are otherwise permitted by the commissioner.

350. Transfers of attorneyship must be acknowledged before some officer authorized to administer oaths for general purposes in the presence of two witnesses who must sign their names to the instrument of transfer.

351. In all transfers of attorneyship a separate slip must be filed for each claim transferred, showing its number, the name of the claimant, the name of the soldier or sailor, the service on which the claim is based, and the name and address of the transferee.

352. A transfer not general in character, but of a limited number of claims, from one agent, attorney, or firm to another, must be accompanied also by a schedule, alphabetically arranged, showing for each claim the data required on said slips.

353. A transfer made by the legal representative of deceased or incompetent agent or attorney must be accompanied by a duly authenticated certificate of an officer of the court having jurisdiction showing the authority of such representative.

354. The written consent of the claimant is necessary to entitle a transferee to recognition in an incomplete claim, the transfer of attorneyship in all such cases being subject to protest.

355. In the event of death if there be no administration, the transfer must be executed by the widow or heir, or heirs, and must include a statement as to the death of the attorney, the date thereof, the name of his widow, if any, or the name or names of his heir or heirs, that no administration will be had, and that there is no objection to the transfer on the part of anyone having a claim against the estate. This affidavit must be corroborated by the affidavits of two disinterested persons having knowledge of the facts.

356. No agent or attorney shall have power to make a valid assignment of any claim in which he has been recognized, even with the written consent of the claimant, unless he is at the time of such assignment and of such consent in good standing before the Bureau of Pensions.

357. Only a duly executed power of attorney confers upon an agent or attorney the right to appear in a case or to receive any information therein, and examiners shall, upon the receipt of a duly executed power of attorney, no other attorney having prior rights, inform the agent or attorney thereby empowered of the condition of the case and at the proper time call upon him for all the necessary proof.[1]

358. No power of attorney purporting to be executed by a claimant shall be recognized as good and valid unless the same be signed by the claimant in the presence of two witnesses, neither of whom is the attorney of record in the claim, and acknowledged before an officer duly authorized to administer oaths for general purposes, whose official signature is certified under seal and who is not interested in the prosecution of the claim to which the power of attorney may relate.

359. Every officer of the United States or person holding any place of trust or profit or discharging any official function under or in connection with any executive department of the Government of the United States, or under the Senate or House of Representatives of the United States is prohibited, under a heavy penalty, from acting as an agent in a claim for pension or from aiding and assisting in any manner, otherwise than in the discharge of his proper official duties, in the prosecution of such claim. (Sec. 109, Crim. Code, 35 Stat. L., p. 1107.)

360. Every agent, attorney, or other person who shall, directly or indirectly, request of any Member of either House of Congress, or of any United States Government official or representative (other than one whose duty it is under the law to supervise and administer the laws, rules, and regulations governing the granting of pensions and bounty land) aid or assistance in the prosecution of a pension or bounty-land claim, or who shall, directly or indirectly request or advise a claimant to seek such aid in the prosecution of a pension or bounty-land claim, shall be held to have abandoned the claim as agent or attorney and shall thereby forfeit his agency or attorneyship in such claim.

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[1] See note 1, p. 160.

361. Every agent, attorney, or other person recognized by the Department of the Interior as entitled to practice before the Bureau of Pensions who shall violate the provisions of the preceding section shall be held thereafter incompetent to prosecute claims before said bureau within the meaning of section 5 of the act of July 4, 1884, and shall thereby subject himself to suspension or disbarment from practice before the Bureau of Pensions.

362. In all claims for pension where the evidence necessary to complete them was filed by the agent or attorney prior to suspension or disbarment from practice, and in which the certificate does not issue until subsequent thereto, such agent or attorney may be recognized as though he had not been suspended and may be paid his fee.

363. If an agent or attorney is disbarred pending the adjudication of a claim, and if, while such disbarment is in force, the claim is adjudicated and the certificate issued without certification of a fee by reason of such disbarment, and if thereafter said agent or attorney is restored to practice, and if claimant has not, by reason of such disbarment, canceled or revoked the authority theretofore existing, upon such restoration as aforesaid the lawful fee shall be certified and paid to such agent or attorney.

364. When a claimant during the disbarment of his agent or attorney of record employs another, who prosecutes the claim to final adjudication, no fee shall be certified the disbarred agent or attorney upon his restoration to practice.

365. No calls for evidence or notices of medical examinations or the like should be addressed to disqualified attorneys.

366. In all cases where certificates issue subsequent to the restoration of the agent or attorney prosecuting the claim, it having been completed during his suspension without the interposition of another agent or attorney or revocation by claimant of his authority, said restored agent or attorney should be recognized, notwithstanding his power was filed prior to the date of his restoration.

367. The rule directing payments of fees to suspended agents or attorneys in claims completed prior to their suspension shall not be construed to authorize payment of fees in cases in which action on such pending claims was suspended on account of any irregularity or informality in the papers or evidence presented by such agents or attorneys in the prosecution of such claims.

368. An applicant shall be allowed during the suspension of an agent or attorney previously empowered to act in said applicant's claim to appoint another agent or attorney because of the inability of the former agent or attorney to act for claimant before the department, even though the said inability should prove to have been but temporary.

369. No fee shall be allowed to a guardian who prosecutes the claim of his ward, or to a firm of attorneys of which the guardian is a member.

370. No request of an agent or attorney for consideration of his title to a fee shall be entertained unless the same shall be filed in the Bureau of Pensions within one year from the date of issue of the certificate upon which such fee is claimed.

371. Agents or attorneys practicing before this bureau are required to state the names of all subagents or correspondents assisting them

in the prosecution of claims for pensions or bounty land, and the interest said subagents or correspondents have in the prosecution of such claims or fees therein. Any agent or attorney in good standing before the bureau who knowingly employs any person as a subagent or correspondent prohibited from practicing before the department shall be recommended for suspension from practice.

372. Cases pending in this bureau shall not be taken up upon the verbal requests of attorneys or claim agents, nor in their behalf except upon a separate written inquiry in each case signed by the attorney or agent and in regular course of business.

373. No claim pending in the Bureau of Pensions shall be considered out of its regular order upon the request of an agent or attorney, or any other person except for good cause shown and upon the order of the Commissioner of Pensions.

374. A change of guardian in any case during the pendency of a claim for pension does not affect the right of the original attorney to recognition and to the fee agreed upon with the guardian who appointed him.

375. The willful withholding of evidence by an agent or attorney for any cause shall be reported to the Secretary of the Interior for his action.

376. In claims for pension and bounty land no greater fee than is authorized by law can be legally received by an agent or attorney or any other person for prosecuting such claim for pension or bounty land, and upon satisfactory proof that any agent or attorney has, subsequent to July 4, 1884, received directly or indirectly from the claimant any sum or sums for his services in the prosecution of the claim, said agent or attorney shall be reported to the Secretary of the Interior for disbarment.

377. Where an agent, attorney, or other person incurs any expense in the prosecution of a claim before the Bureau of Pensions, he must file a sworn itemized account of such expense with the Commissioner of Pensions and secure the approval thereof before demanding or receiving reimbursement from the claimant or pensioner.

378. In a claim under the act of March 2, 1895, for the accrued pension due in an admitted case from the date of last payment to pensioner's death, the agent or attorney of record is permitted, upon the allowance of the claim, to receive as a fee, direct from the claimant or beneficiary, 10 per cent of the amount of the accrued pension paid; but in no event shall such agent or attorney be permitted to demand, receive, or retain a fee in excess of $10 in any one claim.

379. When an agent or attorney is called upon by the Commissioner of Pensions to furnish evidence in any claim he shall be allowed 90 days within which to furnish same or to give reasons why he fails to do so. Before such agent or attorney is dropped or another recognized (at any time within one year) he shall be given 30 days' notice to show cause why he is not guilty of laches. In the event that such answer be not filed within 30 days from the mailing of such notice, or that the answer thereto be held by the Commissioner of Pensions to be insufficient, claimant shall be notified of such failure and may file the same, either by himself or by such other attorney as he may elect; and upon the recognition of such other attorney the former agent or attorney shall be estopped from claiming any fee.

380. An agent or attorney shall be required to exercise due diligence in all cases in which he is recognized. Neglect to prosecute a claim for one year shall be held, in default of cause shown, conclusive evidence of the abandonment of a claim by the agent or attorney, and claimant shall be so advised. To call up a case shall not be held of itself a substantial compliance with any specific requirement of the Commissioner of Pensions.

381. Agents and attorneys are required to conduct their business with the office with decorum and courtesy. Papers in violation of this requirement may, by order of the commissioner, be returned. Flagrant violation of this rule shall be cause for disbarment.

382. Upon the rejection of a claim for pension or bounty land the agent or attorney of record shall be notified of such rejection and the reason therefor, and shall be allowed 90 days from the date of such notice within which to file a motion for reconsideration, supported by material evidence, or within which to enter an appeal to the Secretary of the Interior; and, on his failure to do either he shall be held to have abandoned the case, and the claimant may employ any other duly qualified agent or attorney further to prosecute the claim.

383. The claimant shall have the privilege of exercising his right at any stage of the claim to revoke a power of attorney and discharge his agent upon a showing of cause deemed good and sufficient by the commissioner.

384. The full fee payable by the bureau shall be paid on the issuing of the first certificate, provided, of course, there is an allowance sufficient for that purpose.[1]

385. All articles of agreement in claims for pension or bounty land that conform to the requirements of the law and regulations shall be accepted if filed prior to the date of the issue of the certificate or of the bounty-land warrant.

386. No articles of agreement filed under the act of July 4, 1884, shall be recognized as valid, and no fee shall be paid thereunder, unless the claimant's signature thereto is witnessed by two attesting witnesses and acknowledged before some officer authorized to administer oaths for general purposes whose official signature is certified under seal.[2]

The attorney's acceptance of such agreement must also be executed before some officer duly authorized to administer oaths for general purposes whose official signature is certified under seal.

387. No power of attorney or articles of agreement shall be accepted as valid wherein the claimant's acknowledgment is taken before an officer who is the agent or attorney named therein, or where the agent or attorney acts as one of the attesting witnesses to claimant's signature to such instrument.

388. A declaration, affidavit, or any paper requiring execution or acknowledgment in connection with a claim for pension or bounty land must be executed or acknowledged before an officer duly authorized to administer oaths for general purposes who is not interested in the prosecution of the claim to which said paper pertains, and the jurat must so show. An agent or attorney who shall file any paper containing in the jurat a false statement that the officer before whom such paper was executed or acknowledged is not interested in the prosecution of the claim, or any statement equivalent thereto, when in truth and in fact such agent or attorney has entered into a con-

[1] See note 2, p. 160.

[2] See note 3, p. 160.

tract, agreement, or understanding with such officer by virtue of which said officer is to receive compensation or a commission from such agent or attorney, in the event of the allowance of the claim, may be recommended to the Secretary of the Interior for disbarment from practice before the Bureau of Pensions.

389. Articles of agreement, to be recognized as valid by the Commissioner of Pensions, must be in duplicate and in the form prescribed by order of July 8, 1884, and have printed upon the reverse: "Notice to claimant:" "This agreement is permissible under the law, but not compulsory," and a copy of the act of July 4, 1884.[1]

390. The following is the form of articles of agreement prescribed by the Commissioner of Pensions and approved by the Secretary of the Interior July 8, 1884, under the provisions of the act of Congress approved July 4, 1884:

(To be executed in duplicate without additional cost to claimant.)

ARTICLES OF AGREEMENT.

Whereas I, _____, late a _____ in company ____ of the _____ Regiment of _____ Volunteers, war of _____, having made application for pension under the laws of the United States:

Now this agreement witnesseth, That for and in consideration of services done and to be done in the premises, I hereby agree to allow my attorney, _____, of _____, the fee of _____ dollars, which shall include all amounts to be paid for any service in furtherance of said claim; and said fee shall not be demanded by or payable to my said attorney, in whole or in part, except in case of the granting of my pension by the Commissioner of Pensions; and then the same shall be paid to him in accordance with the provisions of sections 4768 and 4769 of the Revised Statutes United States.

(Signature of claimant.) _____

(Post-office address.) _____

(Signatures of two witnesses.)

STATE OF _____, *County of* _____, *ss:*

Be it known that on this, the ___ day of _____, A. D. 1____, personally appeared _____, the above named, who, after having had read over to _____, in the hearing and presence of the two attesting witnesses, the contents of the foregoing articles of agreement, voluntarily signed and acknowledged the same to be _____ free act and deed.

[L. S.] (Official signature.) _____

And now, to wit, this ____ day of _____ A. D., 1____, _____ accept the provisions contained in the foregoing articles of agreement, and will, to the best of _____ ability, endeavor faithfully to represent the interest of the claimant in the premises. _____ hereby certify _____ have received from the claimant above named the sum of _____ dollars, and no more; _____ dollars being for fee, and the sum of _____ dollars being for postage and other expenses. And that these agreements have been executed in duplicate, without additional cost to the claimant, as required by law, in excess of the fee above named, the said attorney making no charge therefor.

Witness _____ hand the year and day above written.

(Signature of attorney.) _____

STATE OF _____, *County of* _____, *ss:*

Personally came _____, whom I know to be the person _____ represents _____ to be, and who having signed above acceptance of agreement, acknowledged the same to be _____ free act and deed.

[L. S.] (Official signature.) _____

Approved for _____ dollars, and payable to _____, of _____, the recognized attorney.

_____,

Commissioner of Pensions.

[1] See note 4, p. 160.

391. Where only one copy of articles of agreement is filed, attorneys shall be allowed to file a duplicate of the same, executed by both parties in interest at any time before the issuing of the certificate or bounty-land warrant. When a claim for bounty land has been allowed and the warrant issued, one approved copy of the articles of agreement shall be forwarded to the agent or attorney of record and the other preserved in the files of the claim. The bounty-land warrant shall be forwarded direct to the party entitled to the possession thereof.

392. Articles of agreement and powers of attorney not properly executed for any cause must be retained in the claim and the attorney advised why same can not be accepted.

393. An agent or attorney may request and receive from a claimant a sum not exceeding 50 cents for postage in the prosecution of any one claim, original or increase, but compliance with such request of the agent or attorney is optional with the claimant. Agents and attorneys are not allowed to demand a sum for postage as a right or to refuse to prosecute a claim where the request for postage is not complied with.

395. Attorneys presenting questions for the consideration of the Law Division shall submit their points, authorities, and arguments in writing, and shall not be permitted to enter that division either to examine cases or to make oral arguments. Communications on such matters may be addressed to the Commissioner of Pensions and marked "For the Law Division," and may be transmitted by mail or left with the chief clerk.

396. Motions to reconsider rulings and decisions of the Law Division shall not be entertained by that division unless it plainly appears that some act of Congress, decision of the Secretary, ruling of the commissioner, or some controlling evidence in the case was overlooked.

397. Fee agreements which are regular in every particular except that the blanks in the attorney's acceptance relating to advance payment of part of the fee and of any amount for postage have not been filled in by the attorneys shall not be wholly disregarded. The fee should be withheld in such cases and the matter referred to the Law Division for appropriate action.

399. Every agent, attorney, or other person recognized by the Department of the Interior as entitled to practice before the Bureau of Pensions shall submit to the Commissioner of Pensions copies of all proposed advertising matter intended to solicit business before the Bureau of Pensions, and if the same be not disapproved by the Commissioner of Pensions and the agent or attorney so notified within 10 days from the date of filing the same shall be held, prima facie, approved.

400. Advertising matter may contain clear, correct, and explicit statements of the law, the name and address of the attorney, and the information that he prosecutes claims for pension and bounty land.

401. The use by an agent or attorney of the characters "U. S.," or the words "United States," as a part of his title, or of the title of his business, is misleading and shall not be permitted.

402. Where, through a mistake of fact, or fraud on the part of an agent or attorney, a fee to which he is not entitled has been paid to him he shall be required to refund the same on demand by the Com-

missioner of Pensions; and his failure or refusal to refund, after such demand, shall render him liable to suspension or disbarment from practice before the Bureau of Pensions.

403. A State officer, charged with the duty of looking after the interests of claimants for pension, may have information in connection with a claim for pension, where designated by the claimant, and such officer shall be advised as to calls for evidence and the final disposition of the claim.

513. *Table of attorney fees allowed by law.*

In original claims allowed under all general laws (except such acts as do not provide for payment of a fee), (sec. 4, act July 4, 1884) a fee—	
On properly executed articles of agreement, any amount contracted for, not exceeding	$25.00
Without articles of agreement	10.00
Act June 27, 1890 (sec. 4 of said act)	10.00
Act Apr. 19, 1908 (sec. 2 of said act)	10.00
Act May 11, 1912, on original allowance only and only in cases where such allowance is made to a person who was not a pensioner under any law at passage of the act, and had never received a pension prior to that date—	
On properly executed articles of agreement, any amount contracted for, not exceeding	25.00
Without articles of agreement	10.00
Supplemental claims allowing pension—	
For child by former marriage, if filed by new attorney	10.00
For helpless child—	
If named in original application, but new attorney presents claim	10.00
If not so named, whether supplemental claim be filed by new or original attorney	10.00
For posthumous child, born after filing claim, unless expressly exempted by mutual agreement between claimant and attorney	10.00
Rerating or reissue to correct rate or date of commencement, if filed by new attorney (11 P. D., 202)	10.00
Reduction in rate of pension, for services rendered in preventing (Secretary's decision, Dec. 27, 1900, case of Charles Hebel, certificate No. 113168)	10.00
Dropping pensioner's name from roll, for services rendered in preventing (9 P. D., 236)	10.00
Renewal, restoration, removal of suspension, etc., "cases of difficulty and trouble" (sec. 4, act July 4, 1884), commissioner may recognize articles of agreement for not exceeding (8 P. D., 182)	25.00
Restoration—	
Dropped for loss of title on testimony taken by a special examiner showing that the disability or cause of death on account of which pension was allowed did not originate in line of duty, and in cases of dependent relatives whose names were dropped, on like testimony, upon the ground of nondependence (act July 4, 1884), in claims under all general laws (except act June 27, 1890, act Apr. 19, 1908, and such acts as do not provide for payment of a fee)—	
On properly executed articles of agreement, any amount contracted for, not exceeding	25.00
Without articles of agreement	10.00
Under act June 27, 1890	10.00
Under act Apr. 19, 1908	10.00
Where dropped under sec. 4719, R. S. (4 P. D., 405)	10.00
Increase claims—	
Mexican War, Jan. 5, 1893, and amendatory acts, in which fee was not paid prior to Sept. 20, 1902 (12 P. D., 505)	10.00
In cases where increase is granted because of increase of the disability for which pension was originally allowed (act Mar. 3, 1891)	2.00

514. ***Not payable on order of Commissioner of Pensions, but a matter of contract between claimant and attorney, subjecting the latter to disciplinary proceedings in the event of extortion or unreasonableness.***

Accrued pensions, act Mar. 2, 1895, due deceased pensioners (sec. 378, p. 66): Attorney may collect 10 per cent of accrued pension paid, but fee must not exceed $10.00

Divided pensions, act Mar. 3, 1899 (10 P. D., 403): Attorney may collect reasonable fee, and in absence of abuse or misconduct on his part, justifying disbarment, Commissioner of Pensions has no authority.

515. ***Cases wherein fees are denied.***

By law:

Act July 4, 1884, arrears of pension allowed by Congress subsequent to original grant ..... No fee.
Act Mar. 19, 1886, increasing rates of pension to certain widows ..... No fee.
Act Aug. 5, 1892, granting pensions to Army nurses ..... No fee.
Act Mar. 3, 1901, and act Feb. 28, 1903, amending sec. 4708 R. S., giving pensionable status to certain remarried widows ..... No fee.
Act Feb. 6, 1907, granting pensions to certain survivors of the Mexican and Civil Wars ..... No fee.
Act May 28, 1908, for services in introducing or securing the passage of a private act of Congress granting a pension ..... No fee.
Act May 11, 1912, if a pensioner at date of the passage of the act, or had been a pensioner prior to its approval ..... No fee.

By departmental construction or regulations:

Increase of pension by operation of law ..... No fee.
Claim filed by State agent or commissioner (7 P. D., 293) ..... No fee.
Wherein power of attorney only is filed (4 P. D., 356; 7 P. D., 517) ..... No fee.
Wherein no service is rendered (7 P. D., 517) ..... No fee.
Wherein attorney transmits only order for medical examination or reasons for claimant's failure to appear for such examination (9 P. D., 375), unless in response to bureau call ..... No fee.
Where guardian, as attorney, prosecutes claim of his ward, or firm of attorneys of which guardian is a member, prosecutes such claim (Sec. 369, this chapter) ..... No fee.
Where no fund accrues by reason of allowance out of which fee could be paid (8 P. D., 139; 11 P. D., 149) ..... No fee.
Reissue to include new disability, if no increase (8 P. D., 139) ..... No fee.
Rerating or reissue to correct rate or date of commencement, if same attorney as in original claim (7 P. D., 359; 13 P. D., 75) ..... No fee.
Securing new or duplicate pension certificate (8 P. D., 261) ..... No fee.
Supplemental claims allowing pension—
For child by former marriage if claim be filed by original attorney (7 P. D., 47; 16 P. D., 546) ..... No fee.
For helpless child if child named as helpless in original declaration, to original attorney (9 P. D., 117) ..... No fee.

516. ***Postage.***

By order of May 26, 1891, attorneys may receive from and after April 22, 1891, for postage in any one claim $0.50

REGULATIONS UNDER ACT OF MARCH 3, 1899.

Claims for division of pension under the act of March 3, 1899, will be adjudicated in accordance with the following rules:

105. Claimants will be required to file with their declarations proof in support thereof sufficient to establish a prima facie case under the law.

107. Where the claim is filed by the wife, alleging that the pensioner has deserted her for a period of over six months subsequent to March 3, 1899, and prior to the execution and filing of the declara-

tion, the declaration must be accompanied by evidence showing that she is the wife of the pensioner; that the pensioner has deserted her for the period alleged in the declaration; and that she is a woman of good moral character and in necessitous circumstances.

108. Where the claim is filed by a wife, alleging that the pensioner is an inmate of a State home for soldiers or sailors, the declaration must be accompanied by evidence showing that the claimant is the wife of the pensioner; that she is a woman of good moral character; that she is in necessitous circumstances; and that she is not also an inmate of the same institution or of some home provided for the wives and children of soldiers and sailors.

109. Where the claim is filed by the wife, alleging that the pensioner is an inmate of a National Soldiers' Home, the declaration must be accompanied by evidence showing that the claimant is the wife of the pensioner; that she is a woman of good moral character; and that she is in necessitous circumstances.

110. Where the claim is filed by or on behalf of the minor child or children, under 16 years of age, of a pensioner, alleging that pensioner has deserted said child or children, the declaration must be accompanied by evidence showing the marriage of the parents; the date of birth of each child; death or divorce of the mother of the minor child or children, or that she has no title under the said act; that the pensioner has deserted such child or children for the period alleged; and in the event of the death or divorce of the mother of the minor child or children that the pensioner had not remarried prior to the statutory date of desertion or that his present wife has no title under said act.

111. Where the claim is filed by or on behalf of the minor child or children, under 16 years of age, of the pensioner, alleging that the pensioner is an inmate of a State home for soldiers or sailors, the declaration must be accompanied by evidence showing the marriage of the parents; the date of birth of each child; the death or divorce of the mother of the minor child or children, or that she has no title under the act of March 3, 1899; in the event of the death or divorce of the mother, that the pensioner had not remarried prior to the statutory date of entrance into the home, or that his present wife has no title under said act; and that the children are not also inmates of the same institution or of some home provided for the wives and children of soldiers and sailors.

112. Where the claim is filed by or on behalf of the minor child or children, under 16 years of age, of the pensioner, alleging that the pensioner is an inmate of a National Soldiers' Home, the declaration must be accompanied by evidence showing the marriage of the parents; the date of birth of each child; the death or divorce of the mother of the minor child or children, or that she has no title under the act of March 3, 1899; and, in the event of the death or divorce of the mother, that the pensioner had not remarried prior to the statutory date of entrance in the home, or that his present wife has no title under said act.

113. Where the claim is filed by or on behalf of a permanently helpless and dependent child of a pensioner, alleging that pensioner has deserted such child, the declaration must be accompanied by evidence showing the marriage of the parents; the date of birth of the child; the death or divorce of the mother of the child, or that she

has no title under the said act; that the pensioner has deserted such child for the period alleged; that the child is permanently helpless and dependent; and in the event of the death or divorce of the mother of such child, that the pensioner had not remarried prior to the statutory date of desertion, or that his present wife has no title under said act.

114. Where the claim is filed by or on behalf of the permanently helpless and dependent child of a pensioner, alleging that the pensioner is an inmate of a State home for soldiers or sailors, the declaration must be accompanied by evidence showing the marriage of the parents; the date of birth of the child; the death or divorce of the mother of such child; that such child is permanently helpless and dependent; in the event of the death or divorce of the mother of said child, that the pensioner had not remarried prior to the statutory date of entrance into the home, or that his present wife has no title under said act; and that said child is not also an inmate of the same institution or of some home provided for the wives and children of soldiers and sailors.

115. Where the claim is filed by or on behalf of a permanently helpless and dependent child of a pensioner, alleging that the pensioner is an inmate of a National Soldiers' Home, the declaration must be accompanied by evidence showing the marriage of the parents; the date of birth of the child; the death or divorce of the mother of such child; that she has no title under the act of March 3, 1899; that such child is permanently helpless and dependent; and, in the event of the death or divorce of the mother of said child, that pensioner had not remarried prior to the statutory date of entrance into the home or that his present wife has no title under said act.

116. A declaration, unaccompanied by evidence as indicated herein sufficient to establish a prima facie case, shall not be considered as conferring any right upon the claimant, or as serving notice upon the bureau sufficient to warrant the suspension or the withholding of any part of the pension due or owing to the pensioner. Such a declaration, when received, shall be promptly returned to the claimant, with a statement indicating the evidence necessary to complete the application. The evidence accompanying such declaration, if any, shall be retained in the bureau, and upon the return of the declaration, with the evidence necessary to make a prima facie case, the claim shall be filed and jacketed.

117. (*a*) Upon the filing by the wife, minor child or children, or by the permanently helpless and dependent child of the pensioner of a declaration, accompanied by sufficient evidence to establish a prima facie case under the act of March 3, 1899, the Chief of the Finance Division shall at once be instructed to cause payment of one-half the pension due and unpaid, and thereafter to become due the pensioner, from the date of statutory desertion or of entrance into a State or National Soldiers' Home, and during the pendency of the claim under said act, to be suspended.

(*b*) The Chief of the Finance Division, upon receipt of an order to suspend payment of one-half pension to a pensioner, shall make a record entry of the same and shall promptly acknowledge receipt thereof, and thereafter no payment of the one-half pension shall be made to any person until further directed by the Commissioner of Pensions.

(*c*) In case the pensioner is an inmate of a National Soldiers' Home, the treasurer of said home shall, on the same date of the order of suspension to the Chief of the Finance Division, be duly advised through the governor of said home of such order of suspension. If on the date of the receipt of said order by the treasurer of the home he shall be in possession of any unexpended pension money drawn in the pensioner's behalf, or to which the pensioner became entitled during his residence in said home subsequent to March 3, 1899, the treasurer shall withhold and retain possession of one-half of such unexpended pension money, subject to the future orders of the Commissioner of Pensions.

118. In all cases filed under the act of March 3, 1899, and allowed, the claimant, within the period covered by title as established, is entitled to one-half of so much of the unpaid pension as is due or owing to the pensioner at the date of the filing of the declaration, and covering the period from the date of the statutory desertion, subsequent to the passage of the act of March 3, 1899, or covering the period from the entrance of the pensioner into a State soldiers' or sailors' home, or a National Soldiers' Home, subsequent to the passage of the act of March 3, 1899. In cases of desertion, where the desertion occurred prior to the passage of the act of March 3, 1899, the date of statutory desertion shall be accepted as March 4, 1899. In cases where the desertion occurred subsequent to March 3, 1899 (the date of the passage of the act), the date of the actual desertion shall be accepted as the date of the commencement of the statutory desertion. No right can accrue to a wife claimant until the pensioner has been in actual desertion for a period of over six months prior to the execution of her declaration, and no right of application by a wife, under the act, can accrue on account of desertion, until six months have expired from the date of such desertion.

119. In cases filed under the act of March 3, 1899, where the pensioner is an inmate of a State soldiers' or sailors' home or a National Soldiers' Home, the actual date of entrance into the home subsequent to March 3, 1899, shall govern. If at the date of the passage of the act the pensioner was an inmate of a State soldiers' or sailors' home or a National Soldiers' Home, March 4, 1899, shall be considered as the statutory date of the pensioner's entrance into the soldiers' home, and payment, if the claim is allowed, shall be one-half of so much of the pension as remained unpaid and due and owing to the pensioner at the date of the filing of the declaration.

120. Where an increase of pension is allowed a pensioner subsequent to the allowance of a claim under the act of March 3, 1899, the beneficiary shall be entitled to one-half of only so much of the pension as is due the pensioner covering the period subsequent to the statutory desertion established in the claim, or subsequent to the date of the entrance of the pensioner into the soldiers' home subsequent to the passage of the act of March 3, 1899, and within the period covered by title as established.

121. As promptness in the adjudication of claims filed under the act of March 3, 1899, is imperative, to avoid vexatious charges against one or the other, both the claimant and the pensioner shall be required to answer promptly calls made for evidence.

122. Where a prima facie case under the act of March 3, 1899, has been filed, the pensioner shall receive the usual notice of the filing

of the claim, and shall be allowed 30 days, as herein provided, from the receipt of said notice, to answer the allegations made therein. Where pensioner has made answer under oath, the substance of his allegations, with the evidence filed in support thereof, if any, shall be furnished the claimant, and 30 days allowed for reply thereto. Should the claimant fail to complete the claim, or fail to give satisfactory reason for so doing, the case should be rejected, on the ground that claimant has failed to establish title within the meaning of said act.

123. Where the pensioner receives the usual 30-day notice of the filing of the claim under the act of March 3, 1899, and fails to make answer within 30 days from the receipt thereof, he shall be considered as waiving his right of answer, and the registry return receipt card, or other evidence, showing his receipt thereof, shall be considered as proof of service upon him of notice of the filing of the claim and his waiver of answer thereto.

124. Upon the adjudication of a claim under the act of March 3, 1899, the bureau shall promptly notify both parties of the action taken, by registered letter, informing both that 30 days from the mailing of said notice will be allowed for the purpose of appealing from the decision of the bureau, and there shall be inclosed, to both claimant and pensioner, a copy of Rules of Practice in such appeals. No payment shall be made until the expiration of said 30 days, unless the right of appeal shall be sooner waived: *Provided, however,* That the unexplained failure of a pensioner to appear, answer, or in any way plead to the claimant's application, after due notice thereof, shall be deemed a waiver of his right of appeal to the extent that, if the claim is allowed, final orders for division of pension shall issue at once.

125. Upon the filing of an appeal, in accordance with the rules of the department, payment shall be further suspended, pending the decision of the department upon the appeal, as required by such rule.

126. If no appeal is filed within 30 days from the date of mailing formal notice of bureau action to the parties, payment shall be made in all cases allowed, and suspension of payment shall be removed in all cases rejected, and the full amount of pension restored to the pensioner in the last-named cases.

127. Any and all payments of one-half the pension to any of the beneficiaries named in the first three provisos of said act of March 3, 1899, shall hereafter be made by and through the disbursing clerk, and, in future, no payment shall be made to any of said beneficiaries by the treasurer of a National Soldier's Home, except one-half of so much of the pensioner's pension as shall be in the hands of the treasurer of said home, and unexpended, at the date of filing the claim under said act, in which case the treasurer shall withhold and disburse upon the order of the Commissioner of Pensions.

128. Applications for reconsideration or reopening of the bureau action in cases under the first, second, or third provisos of the act of March 3, 1899, should be in the form of a motion, or petition, stating briefly, but specifically, the grounds upon which the application is based, and which, if true, would warrant a modification or reversal of the bureau action. The motion should be accompanied by evidence sufficient, if true, to establish the grounds for reconsideration, or reopening, relied upon by the applicant, and by due proof of

service of copies of the motion, or petition, and the supporting evidence upon the opposite party or his or her attorney.

Proof of service must be such as shall satisfy the bureau that the opposite party has been informed of the motion, or petition, and the supporting evidence, and may consist of, first, a written acceptance of service by the opposite party or his or her attorney of record; or second, a postal registry return receipt card signed by the opposite party or attorney of record, accompanied by an affidavit showing that on a certain date copies of the motion, or petition, and the supporting evidence were mailed in a registered letter, post paid, to the opposite party or the attorney of record, addressed to a certain post office (naming it), and that the card was returned in acknowledgment of receipt of such letter; or third, an affidavit, showing that on a certain date and at a certain place copies of the motion, or petition, and of the supporting evidence were personally delivered to the opposite party or his or her attorney of record.

Applications for reconsideration, or reopening, not conforming to the foregoing requirements, or showing satisfactory reason why personal service can not be made, shall not be considered by the bureau, but shall be promptly returned to the applicant or his or her attorney of record, for compliance therewith.

129. (*a*) Upon the filing of an application for reconsideration or reopening, conforming to the requirements of the foregoing rule, payment of the one-half pension in question shall be suspended pending the adjudication of such application.

RULES OF PRACTICE IN PENSION AND BOUNTY-LAND APPEALS.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 11, 1915.

(240) RULE I.—Except as herein otherwise provided, an appeal may be taken to the Secretary of the Interior from the final action or order of the Commissioner of Pensions in all matters relating to pensions or bounty land, and a separate appeal must be filed in each claim.

(241) RULE II.—Appeals must be filed with the Commissioner of Pensions. The Commissioner will thereupon, within 30 days from the filing of said appeal, consider and determine whether the action or order from which the appeal is taken shall be adhered to; and if he shall determine not to recede therefrom, he shall, within said period of 30 days, forward said appeal, together with the record in the case and a report stating his reasons for the action or order complained of, to the department; and said appeal shall thereupon be entered upon a docket kept for that purpose. Upon the perfection of such appeal, by transmission and docketing aforesaid, the jurisdiction of the Commissioner shall cease and determine, and the case will be decided by the Secretary on the record. Copies of the decision of the Secretary shall be transmitted with said record to the Commissioner of Pensions for action in accordance therewith. One copy of the decision shall be transmitted by the Commissioner to the appellant or his duly accredited attorney.

(242) RULE III.—(*a*) Except as hereinafter ordered the time for filing an appeal shall be one year from the date of notice of the final action or order of which complaint is made.

(*b*) In simultaneous contesting claims, where one is admitted and one rejected, the time allowed for the filing of an appeal shall be 30 days from the date of mailing of notice of the bureau action to the claimant to whom the action is adverse. In such claims the Commissioner of Pensions will promptly notify all parties in interest of the action taken, by registered letter, inclosing a copy of this rule and expressly inviting attention to the fact that an appeal will not be entertained unless filed within the period of 30 days herein prescribed.

(*c*) Upon the filing of an appeal all parties whose interests may be adversely affected by the decision shall be notified by registered letter of the filing of the appeal and of the substance thereof and allowed 30 days from the date of the mailing of such notice within which to file brief or argument in answer thereto before the papers are forwarded to this department.

The return of a registered letter, unclaimed, containing notice, addressed to the last known post-office address, shall constitute sufficient evidence of notice.

(243) RULE IV.—In each appeal the name and service of the soldier on account of whose service the claim is based must be stated, together with the number of claim, the law under which the claim is prosecuted, and the date and substance of the action from which the appeal is taken.

(244) RULE V.—No appeal will be entertained from the refusal of the Commissioner of Pensions to recognize attorneys or agents in prosecuting claims for pensions or bounty land under any law wherein the payment of a fee for such service is prohibited.

(245) RULE VI.—An appeal by an attorney will not be entertained unless he has filed a duly executed power of attorney for this purpose from the appellant or is entitled under the rules to recognition; and no appeal, brief, motion, pleading, or other paper or communication relative to a case on appeal, filed by a firm of attorneys or agents, shall be received or docketed unless the same be signed individually by one or more duly qualified members of such firm.

(246) RULE VII.—An appeal taken on behalf of a claimant by or through a suspended or disbarred attorney will not be entertained.

(247) RULE VIII.—No appeal pertaining to the allowance of a fee when the refundment has been called for will be entertained unless refundment as required shall have been made.

(248) RULE IX.—The Commissioner of Pensions shall return to the appellant any appeal not in conformity with the provisions of Rules III to VIII, inclusive, stating wherein the appeal is defective.

(249) RULE X.—In proceedings before the Commissioner in which he shall decide that a party has no right to appeal to the Secretary or that said appeal may not be entertained under the provisions of the foregoing rules, such party may apply to the Secretary for an order directing the Commissioner to certify such action, together with the record in the case, to the department, and such application shall be in writing, under oath, and shall fully and specifically set forth the grounds upon which the same is based. If upon a hearing of the application the Secretary shall grant a writ of certiorari under this rule, the jurisdiction of the department shall be ample for the correction of any error appearing in the record.

(250) RULE XI.—Each appeal must contain specific assignments of the alleged mistake of fact or error of law in the adjudication of

said claim by the Commissioner of Pensions, and any appeal insufficient in this respect may be dismissed by the Secretary.

(251) RULE XII.—(*a*) A motion for reconsideration of any departmental decision may be filed with and entertained by the Secretary, in his discretion, if filed within 30 days from the date of mailing a copy of such decision to the last known post-office address of the claimant or his attorney of record. It must be shown in said motion that some material feature of the case has not been considered in said decision or that there was error of law or material mistake of fact.

(*b*) And in any case involving conflicting claims of two or more parties wherein, under either Rule III or Rule XIII, the right of appeal is limited to 30 days, there shall be a stay of execution of the departmental decision until the expiration of the period within which a motion for reconsideration may be filed, unless for especial cause mandate forthwith shall issue.

(252) RULE XIII.—Upon the adjudication of a claim for division of pension under the act of March 3, 1899, in the Bureau of Pensions both parties will be promptly notified by the bureau, by registered letter, of the action taken. Each party will, in the absence of waiver, be allowed 30 days from the mailing of said notice to appeal from said action, the appeal to be accompanied by due proof of service of a copy thereof upon the appellee, as required by Rule XIV. Unless such bureau action is appealed from within 30 days from the mailing of said notice, the bureau action shall be deemed to be final.

Provided, The unexplained failure of a pensioner to appear, answer, or in any way plead to the claimant's application, after due notice thereof by the bureau, will be deemed a waiver of his right to appeal to the extent that, if the claim be allowed, final orders for division of pension may issue at once.

(253) RULE XIV.—(*a*) Appeals from bureau action in cases under the first, second, and third provisos of the act of March 3, 1899, must be accompanied by due proof of service of a copy of the appeal upon the appellee or his or her attorney of record.

(*b*) Proof of service must be such as will satisfy the Commissioner of Pensions that the appellee has been informed of the appeal and the contents thereof, and may consist of, first, a written acceptance of service by the appellee or his or her attorney of record; or, second, a postal registry return receipt card, signed by appellee or attorney of record, accompanied by an affidavit showing that on a certain date a copy of the appeal was mailed in a registered letter, postpaid, to the appellee or the attorney of record, addressed to the appellee or his attorney of record at his last known post office (naming it), that the card was returned in acknowledgment of the receipt of such letter; or, third, an affidavit showing that on a certain day and at a cetrain place a copy of the appeal was personally delivered to the appellee or attorney of record.

(*c*) Appeals in this class of cases unaccompanied by due proof of service, or a satisfactory reason why personal service can not be made, will not be filed or considered, but will be promptly returned to the appellant, or attorney of record, for compliance with this rule. The failure to comply with this rule shall not operate to enlarge the time within which appeal may be taken.

(254) RULE XV.—Appeals from bureau action in cases under the first, second, and third provisos of the act of March 3, 1899, when accompanied by due proof of service of a copy thereof upon the appellee, will be filed, and the parties promptly notified thereof. The appellee will be allowed 30 days from the date of filing the appeal in which to file answer, brief, or argument in opposition to the appeal or in support of the action from which the appeal is taken. An appeal duly filed will operate to continue the suspension of the one-half pension in controversy.

(255) RULE XVI.—(*a*) Appeals from the bureau action in cases under the first, second, or third provisos of the act of March 3, 1899, must be confined to cases under that act, and not joined with an appeal from action in an invalid claim or claims under other acts of Congress. When perfected by due proof of service upon the appellee, as required by Rule XIV, the appeal should be transmitted to the Commissioner of Pensions. The appeal should state the post-office address of the appellant and appellee, and the certificate number and the service (company and regiment, etc.) of the pensioner, and should briefly but specifically state the error of law or mistake of fact complained of and the grounds relied upon for reversing or modifying the action appealed from.

(*b*) No additional evidence upon the merits of the claim filed by either appellant or appellee will be considered on appeal.

(256) RULE XVII.—Motions for review of departmental decisions in cases for division of pension under the act of March 3, 1899, will hereafter be governed by the provisions of Rule XII. If the motion be allowed, the opposing party will be notified thereof and allowed 30 days in which to file answer, brief, or argument.

(257a) RULE XVIII.—All cases on appeal will be considered and decided in regular order, according to their places upon the docket, unless, for cause shown, a case may be advanced on motion for earlier hearing and determination. Every such motion shall set forth succinctly the grounds upon which it is based, and must be supported by the affidavits of at least two disinterested parties cognizant of the facts upon which the motion is based. No such motion will be granted except in cases involving points of pension law of general application affecting other claims, unless it appears that the appellant is in extreme indigent circumstances or is ill without reasonable hope of recovery.

(257b) RULE XIX.—In all cases appealed to the Secretary of the Interior a copy of the decision shall be mailed to the party in interest or his or her attorney of record, and the mandate of the same shall be carried into effect, within 15 days from the date of the receipt of the decision by the Commissioner of Pensions, unless the decision shall sooner be recalled by the Secretary of the Interior.

The above rules governing the practice in appealed claims before the department relating to pensions and bounty lands shall become effective on and after the date hereof, and all rules and orders heretofore promulgated inconsistent with the foregoing are hereby abrogated.

BO SWEENEY,
Assistant Secretary.

CHAPTER VII.

PHYSICAL EXAMINATIONS.

MEDICAL REFEREE AND HIS DUTIES.

SECTION 4776, REVISED STATUTES.

The Secretary of the Interior is authorized to appoint a duly qualified surgeon as medical referee, who, under the control and direction of the Commissioner of Pensions, shall have charge of the examination and revision of the reports of examining surgeons, and such other duties touching medical and surgical questions in the Pension-Office, as the interests of the service may demand; and his salary shall be two thousand five hundred dollars per annum. And the Secretary of the Interior is further authorized to appoint such qualified surgeons (not exceeding four) as the exigencies of the service may require, who may perform the duties of examining surgeons when so required, and who shall be borne upon the rolls as clerks of the fourth class; but such appointments shall not increase the clerical force of said Bureau.

APPOINTMENT OF CIVIL EXAMINING SURGEONS.

SECTION 4777, REVISED STATUTES.

The Commissioner of Pensions is empowered to appoint, at his discretion, civil surgeons to make the periodical examinations of pensioners which are or may be required by law, and to examine applicants for pension, where he deems an examination by a surgeon appointed by him necessary; and the fee for such examinations, and the requisite certificates thereof in duplicate, including postage on such as are transmitted to pension-agents, shall be two dollars, which shall be paid by the agent for paying pensions in the district within which the pensioner or claimant resides, out of any money appropriated for the payment of pensions, under such regulations as the Commissioner of Pensions may prescribe.

SPECIAL PHYSICAL EXAMINATIONS.

SECTION 4775, REVISED STATUTES.

Examining surgeons duly appointed by the Commissioner of Pensions, and such other qualified surgeons as may be employed in the Pension-Office, may be required by him, from time to time, as he deems for the interest of the Government, to make special examinations of pensioners, or applicants for pension, and such examina-

tions shall have precedence over previous examinations, whether special or biennial; but when injustice is alleged to have been done by an examination so ordered, the Commissioner of Pensions may, at his discretion, select a board of three duly appointed examining surgeons, who shall meet at a place to be designated by him, and shall review such cases as may be ordered before them on appeal from any special examination, and the decision of such board shall be final on the question so submitted thereto, provided the Commissioner approve the same. The compensation of each of such surgeons shall be three dollars, and shall be paid out of any appropriations made for the payment of pensions, in the same manner as the ordinary fees of appointed surgeons are or may be authorized to be paid.

BIENNIAL EXAMINATIONS ABOLISHED.

ACT JUNE 21, 1879 (21 STAT. L., 30).

SEC. 3. That sections forty-seven hundred and seventy-one, forty-seven hundred and seventy-two, and forty-seven hundred and seventy-three of the Revised Statutes of the United States, providing for biennial examinations of pensioners, are hereby repealed: *Provided*, That the Commissioner of Pensions shall have the same power as heretofore to order special examinations, whenever, in his judgment, the same may be necessary, and to increase or reduce the pension according to right and justice; but in no case shall a pension be withdrawn or reduced except upon notice to the pensioner and a hearing upon sworn testimony, except as to the certificate of the examining surgeon.

BOARDS OF EXAMINING SURGEONS.

ACT JULY 25, 1882 (22 STAT. L., 175).

SEC. 4. That the Commissioner of Pensions is hereby authorized to appoint surgeons who, under his control and direction shall make such examination of pensioners and claimants for pension or increased pension as he shall require; and he shall organize boards of surgeons, to consist of three members each, at such points in each State as he shall deem necessary, and all examinations, so far as practicable, shall be made by the boards, and no examination shall be made by one surgeon excepting under such circumstances as make it impracticable for a claimant to present himself before a board: *Provided*, That the Commissioner may, when in his opinion the exigencies of the service require it, organize a board of three surgeons who, under his direction, shall review the work of any regularly-appointed board or surgeon: *Provided further*, That all examinations shall be thorough and searching, and the certificate contain a full description of the physical condition of the claimant at the time, which shall include all the physical and rational signs and a statement of all structural changes.

The fee for each examination, and satisfactory certificate thereof, shall be two dollars to each member when made by a board, and two dollars when made by one surgeon: *Provided*, That when the claimant is so disabled as not to be able to present himself to a board of surgeons for examination, the Commissioner may order a surgeon to make the examination at the claimant's residence; and the fee for

such examination shall be two dollars, in addition to the payment of the actual traveling expenses of the surgeon: *Provided further*, That no fee shall be allowed or paid to any member of such board of examining surgeons who does not actually participate in such examination and sign the certificate thereof.

The Commissioner may, when in his judgment the degree of disability cannot be determined truthfully or satisfactorily excepting by expert examination, employ an expert, not a regularly appointed surgeon, to make the examination; and the fee for such examination shall be five dollars: *Provided*, That the fee for an expert examination shall not be paid to any regularly-appointed examining surgeon.

The fee for the examination of claimants who reside out of the United States shall not exceed ten dollars, which shall be paid, upon the presentation of satisfactory vouchers, out of the appropriation for the payment of the examining surgeons, and through the United States consulate nearest to the claimant's place of residence.[1]

EXAMINING SURGEONS' REPORTS OPEN TO INSPECTION.

ACT JULY 18, 1894 (28 STAT. L., 113).

* * * *Provided*, That the report of such examining surgeons when filed in the Pension Office shall be open to the examination and inspection of the claimant or his attorney, under such reasonable rules and regulations as the Secretary of the Interior may provide.

FEES OF EXAMINING SURGEONS.

ACT MAY 28, 1908 (35 STAT. L., 419.)

* * * And hereafter each member of each examining board shall receive the sum of three dollars for the examination of each applicant whenever five or a less number shall be examined on any one day and one dollar for the examination of each additional applicant on such day: *Provided*, That if twenty or more applicants appear on one day no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of one dollar only until twenty examinations shall have been made, and the fee shall be three dollars when the examination is made by one surgeon, and the fee for each examination at the claimant's residence provided his residence is outside of the corporate limits of the place of the regular meeting of the examining board or of the place of residence of the surgeon, making the examination shall be five dollars in addition to the payment of the actual traveling expenses of the surgeon: *Provided further*, That no fee shall be paid to any member of an examining board unless personally present and assisting in the examination of applicant: *And provided further*, That the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is entitled to, and the report of such examining surgeons shall specifically and accurately set forth the physical condition of the applicant, each and every existing disability being fully and carefully described. * * *

[1] Supersedes sec. 4774, R. S.

CHAPTER VIII.

PAYMENT OF PENSIONS.[1]

DISBURSING CLERK AND PAYMENT OF PENSIONS.

ACT AUGUST 17, 1912 (37 STAT. L., 312).

SECTION 1. * * * For salary of one disbursing clerk for the payment of pensions, to be selected and appointed by the Secretary of the Interior, at the rate of four thousand dollars per annum, during the last five months of the fiscal year nineteen hundred and thirteen,[2] one thousand six hundred and sixty-six dollars and sixty-seven cents; and from and after the thirty-first day of January, nineteen hundred and thirteen, there shall be one disbursing clerk in the Bureau of Pensions to be appointed as aforesaid and who shall receive a salary at the rate of four thousand dollars per annum; and section forty-seven hundred and seventy-eight of the Revised Statutes of the United States authorizing the appointment of agents for the payment of pensions, and section forty-seven hundred and eighty of the Revised Statutes of the United States, authorizing the establishment of agencies by the President of the United States are hereby repealed to take effect from and after the thirty-first day of January, nineteen hundred and thirteen, and the existing pension agencies are abolished from and after said date.

* * * * * * *

SEC. 2. That the Secretary of the Interior is authorized in the payment of pensions to arrange the pensioners in three groups as he may think proper, and may from time to time change any pensioner or class of pensioners from one group to another as he may deem convenient for the transaction of the public business.

The pensioners in the first group shall be paid their quarterly pensions on January fourth, April fourth, July fourth, and October fourth of each year; the pensioners in the second group shall be paid their quarterly pensions on February fourth, May fourth, August fourth, and November fourth of each year; the pensioners in the third group shall be paid their quarterly pensions on March fourth, June fourth, September fourth, and December fourth of each year.

The Secretary of the Interior is authorized to cause payments of pension to be made for the fractional parts of a quarter which may be made necessary by the transfer of a pensioner from one group to another.

SEC. 3. That not later than January first, nineteen hundred and thirteen, pensions shall be paid by checks drawn, under the direction

[1] Whenever reference is made to agents for the payment of pensions, it should be considered as being modified by the act of Aug. 17, 1912 (37 Stat. L., 311), which abolished pension agencies and established a new method for the payment of pensions.

[2] By act Mar. 4, 1913 (37 Stat. L., 774), a Deputy Disbursing Clerk, who shall act as Chief Clerk, was provided for.

of the Secretary of the Interior, in such form as to protect the United States against loss, without separate vouchers or receipts, and payable by the proper assistant treasurer or designated depositary, except in the case of any pensioner in which the law authorizes the pension to be paid to some person other than the pensioner, or in which the Secretary of the Interior may consider a voucher necessary for the protection of the Government. Such checks shall be transmitted by mail to the payee thereof at his last known address.

That postmasters, delivery clerks, letter carriers, and all other postal employees are prohibited from delivering any such mail to any person whomsoever, if the addressee has died or removed, or in the case of a widow believed by the postal employee intrusted with the delivery of such mail to have remarried; and the postmaster in every such case shall forthwith return such mail with a statement of the reasons for so doing, and if because of death or remarriage, the date thereof, if known. Checks returned as herein provided on account of the death or remarriage of the pensioner shall be canceled.[1]

SEC. 5. That in case of sickness or unavoidable absence of the disbursing clerk for the payment of pensions from his office, the Commissioner of Pensions may, with the approval of the Secretary of the Interior, authorize the chief clerk of his office or some other clerk employed therein to temporarily act as such disbursing clerk for payment of pensions.

With the approval of the Commissioner of Pensions and the Secretary of the Interior, the disbursing clerk for the payment of pensions may designate and authorize the necessary number of clerks to sign the name of the disbursing clerk for the payment of pensions to official checks.

The disbursing clerk shall give bond with good and sufficient surety for such amount and in such form as the Secretary of the Interior may approve, and such bond shall be held to cover and apply to the acts of the persons authorized to act in his place.

SEC. 6. That nothing in this Act shall be construed as amending or repealing that portion of the sundry civil appropriation Act for the fiscal year eighteen hundred and eighty-three (Statutes at Large, volume twenty-two, page three hundred and twenty-two) concerning the payment of pensions due inmates of the National Home for Disabled Volunteer Soldiers.

PREPARATION OF QUARTERLY VOUCHERS.

SEC. 4764, REVISED STATUTES.

Within fifteen days immediately preceding the fourth day of March, June, September, and December in each year, the several agents for the payment of pensions shall prepare a quarterly voucher for every person whose pension is payable at his agency, and transmit the same by mail, directed to the address of the pensioner named in such voucher, who, on or after the fourth day of March, June, September, and December next succeeding the date of such voucher, may execute and return the same to the agency at which it was prepared, and at which the pension of such person is due and payable.[2]

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[1] Sec. 4 relates to forgery of endorsement on pension check, etc. (See p. 128.)

[2] Amended by act Mar. 3, 1891 (26 Stat. L., 1082), as to dates of payment. Said act superseded by act Aug. 17, 1912 (37 Stat. L., 313). (See p. 83.)

BLANK VOUCHERS.

SEC. 4767, REVISED STATUTES.

The Secretary of the Interior shall cause suitable blanks for the vouchers mentioned in section forty-seven hundred and sixty-four to be printed and distributed to the agents for the payment of pensions, upon which he shall cause a note to be printed informing pensioners of the fact that hereafter no pensions will be paid except upon the vouchers issued as herein directed.[1]

OATHS TO PENSION VOUCHERS.

ACT MARCH 1, 1889 (25 STAT. L., 782).

* * * *And provided further*, That hereafter all United States officers now authorized to administer oaths are hereby required and directed to administer any and all oaths required to be made by pensioners and their witnesses in the execution of their vouchers for their pensions free of charge.

OATHS BEFORE FOURTH-CLASS POSTMASTERS.

ACT AUGUST 23, 1894 (28 STAT. L., 499).

That hereafter, in addition to the officers now authorized to administer oaths in such cases, fourth-class postmasters of the United States are hereby required, empowered, and authorized to administer any and all oaths required to be made by pensioners and their witnesses in the execution of their vouchers with like effect and force as officers having a seal; and such postmaster shall affix the stamp of his office to his signature to such vouchers, and he is authorized to charge and receive for each voucher not exceeding twenty-five cents, to be paid by the pensioner.

OATHS BEFORE RURAL-DELIVERY CARRIERS.

ACT JUNE 25, 1910 (36 STAT. L., 843).

SEC. 2. That hereafter, in addition to the officers now authorized to administer oaths in such cases, rural free delivery carriers of the United States are hereby required, empowered, and authorized to administer any and all oaths required to be made by pensioners and their witnesses in the execution of their vouchers, with like effect and force as officers having a seal, and they are authorized to charge and receive for each voucher not exceeding twenty-five cents, to be paid by pensioner.

FRANKED ENVELOPES FOR PENSION VOUCHERS.

ACT MARCH 4, 1909 (35 STAT. L., 1058).

That the Secretary of the Interior shall hereafter furnish free to all pensioners franked or penalty envelopes, properly addressed, to be used by said pensioners only for the return of their pension vouchers.

[1] Modified by act Aug. 17, 1912 (37 Stat. L., 313). (See p. 83.)

TRANSMISSION OF PENSION CHECKS.

SECTION 4765, REVISED STATUTES.

Upon the receipt of such voucher, properly executed, and the identity of the pensioner being established and proved in the manner prescribed by the Secretary of the Interior, the agent for the payment of pensions shall immediately draw his check on the proper assistant treasurer or designated depositary of the United States for the amount due such pensioner, payable to his order, and transmit the same by mail, directed to the address of the pensioner entitled thereto; but any pensioner may be required, if thought proper by the Commissioner of Pensions, to appear personally and receive his pension.

NOTE.

See sections 3646 and 3647, Revised Statutes, as amended by act February 23, 1909 (35 Stat. L., 643), relative to issue of duplicate checks.[1]

PAYMENT TO PENSIONER, OR TO WIFE OR GUARDIAN IN CERTAIN CASES.

ACT AUGUST 8, 1882. AMENDING SECTION 4766, REVISED STATUTES (22 STAT. L., 373).

"SEC. 4766. Hereafter no pension shall be paid to any person other than the pensioner entitled thereto, nor otherwise than according to the provisions of this title; and no warrant, power of attorney, or other paper executed or purporting to be executed by any pensioner to any attorney, claim agent, broker, or other persons shall be recognized by any agent for the payment of pensions, nor shall any pension be paid thereon; but the payment to persons laboring under legal disabilities may be made to the guardians of such persons in the manner herein prescribed, and pensions payable to persons in foreign countries may be made according to the provisions of existing laws: *Provided*, That in case of an insane invalid pensioner having no guardian, but having a wife or children dependent upon him (the wife being a woman of good character), the Commissioner of Pensions is hereby authorized, in his discretion, to cause the pension to be paid to the wife, upon her properly-executed voucher, or in case there is no wife, to the guardian of the children, upon the properly-executed voucher of such guardian, and in like manner to cause the pension of invalid pensioners who are or may hereafter be imprisoned as punishment for offenses against the laws to be paid while so imprisoned to their wives or the guardians of their children. And pensions to Indian pensioners residing in the Indian Territory may be paid in person by the pension agent, upon a suitable voucher, at some convenient point in said Territory, which, together with the form and manner of identification of the pensioners, may be prescribed by the Secretary of the Interior; such payments to be made in standard silver, at least once in each current year. And payments in person shall be made to the pensioner, in cash, by the pension agent whenever in the discretion of the Commissioner of Pensions such personal payment shall be by him deemed necessary or proper to secure to the pensioner his rights; and the

[1] See act Mar. 21, 1916, p. 149.

necessary and actual expenses of such pension agent in making such payments shall be paid by the Secretary of the Interior upon properly-executed vouchers, out of the contingent fund appropriated for the use of the Pension Office. The commissioner may, when in his judgment it shall be deemed necessary or proper, visit in person, for the purpose of examination and inspection, or may send any one or more of the officers of his bureau for that purpose, any of the pension agencies[1] or medical examining boards or surgeons; and the necessary and actual expenses of such visits shall be paid by the Secretary of the Interior upon properly executed vouchers, out of the contingent fund of said bureau."

HALF PENSION TO WIVES OR CHILDREN.

ACT MARCH 3, 1899 (30 STAT. L., 1379).

That section forty-seven hundred and seventy-six (4766), Title fifty-seven, of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following additional provisions and provisos, to wit: *Provided further*, That in case a resident pensioner of the United States shall for a period of over six months desert his lawful wife, she being a woman of good moral character and in necessitous circumstances, or if he have no lawful wife, shall desert his legitimate minor child or children under sixteen years of age, or his permanently helpless and dependent child, the Commissioner of Pensions is hereby directed, upon being satisfied by competent evidence of such desertion, to cause one-half of the pension due or to become due said pensioner during the continuance of such desertion to be paid to the wife, or in case there is no wife, to the legal guardian of the child or children: *Provided further*, That when a soldier or sailor enters into a State home for soldiers or sailors as an inmate thereof, one-half of his pension accruing during his residence therein shall be paid to his wife, she being a woman of good moral character and in necessitous circumstances, or if there be no wife, then to his child or children under sixteen years of age, or his permanently helpless and dependent child, if any, unless such wife and children shall also be inmates of the same institution or of some home provided for the wives and children of soldiers and sailors: *Provided further*, That if any such pensioner is or shall become an inmate of a National Soldiers' Home one-half of the pension drawn in his behalf or to which he may become entitled during his residence therein shall be paid by the treasurer of that institution to such pensioner's wife, she being in necessitous circumstances and a woman of good moral character, or, if there be no wife, to the legal guardian of the minor child or children, or the permanently dependent and helpless child or children of such pensioner, on the order of the Commissioner of Pensions: * * *

In all cases the questions of desertion, entrance into a home, necessitous circumstances, and of good moral character shall be ascertained and determined by the Commissioner of Pensions under such rules and regulations as he shall prescribe, and the treasurers or governors of the several soldiers' and sailors' homes shall be advised of such action from time to time.

[1]Abolished by act Aug. 17, 1912 (37 Stat. L., 312). (See p. 83.)

NO FOREIGN PENSION PAID ON POWER OF ATTORNEY.

ACT MARCH 14, 1898 (30 STAT. L., 276).

* * * *Provided further*, That hereafter no pensions shall be paid upon power of attorney from pensioners residing in foreign countries.

PROVISION AGAINST PAYMENT TO CERTAIN NONRESIDENTS REPEALED.

ACT MARCH 2, 1895 (28 STAT. L., 703).

* * * *And provided further*, That so much of the fourth proviso of an Act entitled "An Act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, eighteen hundred and ninety-four, and for other purposes," approved March first, eighteen hundred and ninety-three, which reads as follows: "That from and after July first, eighteen hundred and ninety-three, no pension shall be paid to a nonresident who is not a citizen of the United States, except for actual disabilities incurred in the service," be and the same is hereby repealed.

PENSIONERS IN SOLDIERS' HOME, WASHINGTON, D. C.

ACT MARCH 3, 1883 (22 STAT. L., 564).

SEC. 4. That any inmate of the Home[1] who is receiving a pension from the Government, and who has a child, wife, or parent living, shall be entitled, by filing with the pension agent from whom he receives his money a written direction to that effect, to have his pension, or any part of it, paid to such child, wife, or parent. The pensions of all who now are or shall hereafter become inmates of the Home, except such as shall be assigned as aforesaid, shall be paid to the treasurer of the Home. The money thus derived shall not become a part of the funds of the Home, but shall be held by the treasurer in trust for the pensioner to whom it would otherwise have been paid, and such part of it as shall not sooner have been paid to him shall be paid to him on his discharge from the institution. The board of commissioners may from time to time pay over to any inmate such part of his pension-money as they think best for his interest and consistent with the discipline and good order of the Home, but such pensioner shall not be entitled to demand or have the same so long as he remains an inmate of the Home. In case of the death of any pensioner, any pension money due him and remaining in the hands of the treasurer shall be paid to his legal heirs, if demand is made within three years; otherwise the same shall escheat to the Home.[2]

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[1] The Soldiers' Home at Washington, D. C., was established by the act of March 3, 1851. Under sec. 4821, R. S., the following persons are entitled to admission: First, every soldier of the United States who served or may serve honestly and faithfully 20 years in the same. Second, every soldier and every discharged soldier, whether Regular or Volunteer, who has suffered or may suffer by reason of disease or wounds incurred in the service and in the line of his duty, rendering him incapable of further military service, if such disability was not occasioned by his own misconduct. Third, the invalid and disabled soldiers, whether Regular or Volunteer, of the War of 1812 and of all subsequent wars.

Applications for admission may be obtained from the Board of Managers of the Soldiers' Home, Washington, D. C.

[2] Provisions extended to Naval Home by act of June 30, 1914. See p. 160.

PENSIONERS IN NAVAL HOME AT PHILADELPHIA OR A NAVAL HOSPITAL.

ACT MAY 4, 1898 (30 STAT. L., 377).

And whenever any officer, seaman, or marine entitled to a pension is admitted to the Naval Home at Philadelphia[1] or to a naval hospital, his pension, while he remains there, shall be deducted from his accounts and paid to the Secretary of the Navy for the benefit of the fund from which such home or hospital, respectively, is maintained; and section forty-eight hundred and thirteen of the Revised Statutes of the United States is hereby amended accordingly.

PENSIONS OF INMATES OF NATIONAL SOLDIERS' HOME.

ACT FEBRUARY 26, 1881 (21 STAT. L., 350).[2]

SEC. 2. All pensions payable or to be paid under this act, to pensioners who are inmates of the National Home for Disabled Volunteer Soldiers[3] shall be paid to the treasurer or treasurers of said home, upon security given to the satisfaction of the managers to be disbursed for the benefit of the pensioners without deduction for fines or penalties under regulations to be established by the managers of the home, said payment to be made by the pension agent upon a certificate of the proper officer of the home that the pensioner is an inmate thereof and is still living. Any balance of the pension which may remain at the date of the pensioner's discharge shall be paid over to him, and in case of his death at the home the same shall be paid to the widow, or children or in default of either to his legal representatives.

PENSIONS PAYABLE TO TREASURER OF NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

ACT AUGUST 7, 1882 (22 STAT. L., 322).[2]

That all pensions and arrears of pensions payable or to be paid to pensioners who are or may become inmates of the National Home for Disabled Volunteer Soldiers shall be paid to the treasurers of said home, to be applied by such treasurers as provided by law, under the rules and regulations of said home. Said payments shall be made by the pension agent upon a certificate of the proper officer of the home that the pensioner is an inmate thereof on the day to which said pension is drawn. The treasurers of said home, respectively, shall give security, to the satisfaction of the managers of said home, for the payment and application by them of all arrears of pension and pension-moneys they may receive under the aforesaid provision.

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[1] The Naval Home at Philadelphia, Pa., was instituted under the provisions of sec. 4810, R. S., and qualifications for admission thereto may be obtained from the Secretary of the Navy, Washington, D. C. Amended act June 30, 1914. See p. 160.

[2] For amendment, see p. 154.

[3] Admission to the National Home for Disabled Volunteer Soldiers is governed by the provisions of sec. 4832 and amendatory acts (act May 16, 1900; act Jan. 28, 1901; act May 27, 1908; act Mar. 4, 1909) and is limited to all honorably discharged soldiers and sailors who served in the Regular or Volunteer forces of the United States in any war, the provisional army authorized by the act of Mar. 2, 1899, in any of the campaigns against hostile Indians or who have served in the Philippines, in China, or in Alaska who are disabled by disease, wounds, or otherwise and who have no adequate means of support, are not otherwise provided for by law, and by reason of such disability are incapable of earning a living. Applications for admission may be obtained from the Board of Managers, National Home for Disabled Volunteer Soldiers, Commerce Building, Kansas City, Mo., or from the governor of the nearest branch home.

And section two of the act entitled "An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, eighteen hundred and eighty-two, and for deficiencies, and for other purposes," approved February twenty-sixth, eighteen hundred and eighty-one, is hereby revived and continued in force.

NO PAYMENT TO TREASURERS OF STATE HOMES.

ACT MAY 28, 1908 (35 STAT. L., 419).

That from and after the passage of this Act all pensioners who may be inmates of any soldiers' and sailors' home, or other institution maintained by any State for the benefit of dependent or other disabled volunteer soldiers, shall have their respective pensions paid to them directly instead of to the treasurer or other officer of the home or institution at which they may be respectively located.

PENSION OF INMATES OF GOVERNMENT HOSPITAL FOR THE INSANE.

ACT FEBRUARY 20, 1905 (33 STAT. L., 731).

That the proviso in the Act approved August seventh, eighteen hundred and eighty-two, appearing on page three hundred and thirty of the Twenty-second Statutes at Large, and relating to pensions of inmates of the Government Hospital for the Insane, is hereby stricken out and the following inserted:

"*Provided*, That in addition to the persons now entitled to admission to said hospital, any inmate of the National Home for Disabled Volunteer Soldiers who is now or may hereafter become insane shall, upon an order of the president of the Board of Managers of the said National Home, be admitted to said hospital and treated therein. During the time that any pensioner shall be an inmate of the Government Hospital for the Insane all money due or becoming due upon his or her pension shall be paid by the pension agent to the superintendent of the hospital, upon a certificate by such superintendent that the pensioner is an inmate of the hospital and is living, and such pension money shall be by said superintendent disbursed and used, under regulations to be prescribed by the Secretary of the Interior, for the benefit of the pensioner, and, in the case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any, in the order named, and to pay his or her board and maintenance in the hospital; the remainder of such pension money, if any, to be placed to the credit of the pensioner and to be paid to the pensioner or the guardian of the pensioner in the event of his or her discharge from the hospital; or, in the event of the death of said pensioner while an inmate of said hospital, shall, if a female pensioner, be paid to her minor children, and, in the case of a male pensioner, be paid to his wife, if living; if no wife survives him, then to his minor children; and in case there is no wife nor minor children, then the said unexpended balance to his or her credit shall be applied to the general uses of said hospital: *Provided further*, That in the case of pensioners transferred to the hospital from the National Home for Disabled Volunteer Soldiers, any pension money to his credit at said Home at the

time of his said transfer shall be transferred with him to said hospital and placed to his credit therein, to be expended as hereinbefore provided; and in case of his return from said hospital to the Home, any balance to his credit at said hospital shall, in like manner, be transferred to said Home, to be expended in accordance with the rules established in regard thereto. This provision shall also be applicable to all unexpended pension money heretofore paid to the officers of the said hospital on account of pensioners who were but are not now inmates thereof."

ACT FEBRUARY 2, 1909, AMENDING SECTION 4839, REVISED STATUTES (35 STAT. L., 592).

"SEC. 4839. * * * During the time that any pensioner shall be an inmate of the Government Hospital for the Insane, all money due or becoming due upon his or her pension shall be paid by the pension agent to the superintendent or disbursing agent of the hospital, upon a certificate by such superintendent that the pensioner is an inmate of the hospital and is living, and such pension money shall be by said superintendent or disbursing agent disbursed and used, under regulations to be prescribed by the Secretary of the Interior, for the benefit of the pensioner, and, in case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any, in the order named, and to pay his or her board and maintenance in the hospital, the remainder of such pension money, if any, to be placed to the credit of the pensioner and to be paid to the pensioner or the guardian of the pensioner in the event of his or her discharge from the hospital; or, in the event of the death of said pensioner while an inmate of said hospital, shall, if a female pensioner, be paid to her minor children, and, in the case of a male pensioner, be paid to his wife, if living; if no wife survives him, then to his minor children; and in case there is no wife nor minor children, then the said unexpended balance to his or her credit shall be applied to the general uses of said hospital: *Provided*, That in the case of any pensioner transferred to the hospital from the National Home for Disabled Volunteer Soldiers, any pension money to his credit at said home at the time of his said transfer shall be transferred with him to said hospital and placed to his credit therein, to be expended as hereinbefore provided, and in case of his return from said hospital to the home any balance to his credit at said hospital shall in like manner be transferred to said home, to be expended in accordance with the rules established in regard thereto, and this provision shall also be applicable to all unexpended pension money heretofore paid to the officers of said hospital on account of pensioners who were but are not now inmates thereof."

SEC. 2. That all provisions of law inconsistent with this act are hereby repealed.

ACCRUED PENSION; TO WHOM PAID; REIMBURSEMENT.

ACT MARCH 2, 1895 (28 STAT. L., 964).

That from and after the twenty-eighth day of September, eighteen hundred and ninety-two, the accrued pension to the date of the

death of any pensioner, or of any person entitled to a pension having an application therefor pending, and whether a certificate therefor shall issue prior or subsequent to the death of such person, shall, in the case of a person pensioned, or applying for pension, on account of his disabilities or service, be paid, first, to his widow; second, if there is no widow, to his child or children under the age of sixteen years at his death; third, in case of a widow, to her minor children under the age of sixteen years at her death. Such accrued pension shall not be considered a part of the assets of the estate of such deceased person, nor be liable for the payment of the debts of said estate in any case whatsoever, but shall inure to the sole and exclusive benefit of the widow or children. And if no widow or child survive such pensioner, and in the case of his last surviving child who was such minor at his death, and in case of a dependent mother, father, sister, or brother, no payment whatsoever of their accrued pension shall be made or allowed except so much as may be necessary to reimburse the person who bore the expense of their last sickness and burial, if they did not leave sufficient assets to meet such expense. And the mailing of a pension check, drawn by a pension agent in payment of a pension due, to the address of a pensioner, shall constitute payment in the event of the death of a pensioner subsequent to the execution of the voucher therefor.[1] And all prior laws relating to the payment of accrued pension are hereby repealed.

COMMISSIONER OF PENSIONS TO SETTLE REIMBURSEMENT CLAIMS.

ACT MARCH 4, 1909 (35 STAT. L., 1058).

That hereafter the settlement of all claims for the reimbursement of expenses of the last sickness and burial of deceased pensioners shall be under the direction of the Commissioner of Pensions.[2]

NO REIMBURSEMENT TO STATE, COUNTY, OR MUNICIPAL CORPORATIONS.

ACT MARCH 3, 1905 (33 STAT. L., 1169).

* * * and no part of any accrued pension shall hereafter be used to reimburse any State, county, or municipal corporation for expenses incurred by such State, county, or municipal corporation under State law for expenses of the last sickness or burial of a deceased pensioner. * * *

FAILURE TO CLAIM PENSION.

SECTION 4719, REVISED STATUTES.

The failure of any pensioner to claim his pension for three years after the same shall have become due shall be deemed presumptive evidence that such pension has legally terminated by reason of the pensioner's death, remarriage, recovery from the disability, or otherwise, and the pensioner's name shall be stricken from the list of

[1] In nonvoucher cases the proper delivery of a pension check during the lifetime of the pensioner constitutes payment in the event of the death of the pensioner prior to endorsement thereof. In such cases the check becomes a part of the assets of the estate of the deceased pensioner.

[2] Reimbursement claims were formerly settled in the Treasury Department; jurisdiction over them is conferred on the Commissioner of Pensions by this act.

pensioners, subject to the right of restoration to the same on a new application by the pensioner, or, if the pensioner is dead, by the widow or minor children entitled to receive the accrued pension, accompanied by evidence satisfactorily accounting for the failure to claim such pension, and by medical evidence in cases of invalids who were not exempt from biennial examinations as to the continuance of the disability.

PENSION NOT LIABLE TO ATTACHMENT.

SECTION 4747, REVISED STATUTES.

No sum of money due, or to become due, to any pensioner, shall be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, whether the same remains with the Pension-Office, or any officer or agent thereof, or is in course of transmission to the pensioner entitled thereto, but shall inure wholly to the benefit of such pensioner.

NOTE.

See sections 4768 and 4769, Revised Statutes (p. 59), and act July 4, 1884 (p. 59), relative to payment of attorney fee by disbursing clerk when certified for payment by the Commissioner of Pensions.

CHAPTER IX.

MISCELLANEOUS STATUTES AND TABLE OF RATES.

TWO PENSIONS TO SAME PERSON NOT ALLOWABLE.

SECTION 4715, REVISED STATUTES.

Nothing in this Title shall be so construed as to allow more than one pension at the same time to the same person, or to persons entitled jointly; but any pensioner who shall so elect may surrender his certificate, and receive, in lieu thereof, a certificate for any other pension to which he would have been entitled had not the surrendered certificate been issued. But all payments previously made for any period covered by the new certificate shall be deducted from the amount allowed by such certificate.

PENSIONS UNDER SPECIAL ACT; SUSPECTED FRAUD.

SECTION 4720, REVISED STATUTES.

When the rate, commencement, and duration of a pension allowed by special act are fixed by such act, they shall not be subject to be varied by the provisions and limitations of the general pension-laws, but when not thus fixed the rate and continuance of the pension shall be subject to variation in accordance with the general laws, and its commencement shall date from the passage of the special act, and the Commissioner of Pensions shall, upon satisfactory evidence that fraud was perpetrated in obtaining such special act, suspend payment thereupon until the propriety of repealing the same can be considered by Congress.

SPECIAL-ACT PENSIONS EQUALIZED.

ACT JUNE 6, 1874 (18 STAT. L., 61).

That all persons entitled to pensions under special acts fixing the rate of such pensions, and now receiving or entitled to receive a less pension than that allowed by the general pension laws under like circumstances, are, in lieu of their present rate of pension, hereby declared to be entitled to the benefits and subject to the limitations of the general pension-laws, entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March third, eighteen hundred and seventy-three; and that this act go into effect from and after its passage: *Provided*, That this act shall not be construed to reduce any pension granted by special act.

SPECIAL ACT NOT IN ADDITION TO OTHER PENSION.

ACT JULY 25, 1882 (22 STAT. L., 176).

That no person who is now receiving or shall hereafter receive a pension under a special act shall be entitled to receive in addition thereto a pension under the general law, unless the special act expressly states that the pension granted thereby is in addition to the pension which said person is entitled to receive under the general law.

SPECIAL-ACT PENSION ON ACCOUNT OF HELPLESS CHILD.

ACT MARCH 4, 1909 (35 STAT. L., 1058).

That when an additional pension has been, or may hereafter be, granted by special act to a widow or guardian on account of a helpless child, such additional pension shall in no wise affect the rate of pension the widow may be entitled to independent of such additional allowance.

REPORT TO CONGRESS OF CERTAIN CLAIMS.

RESOLUTION MAY 29, 1830 (4 STAT. L., 430).

That the heads of department, who may severally (be) charged with the administration of the pension laws of the United States of America, be, and they hereby are, respectively, directed and required, as soon as may be after the opening of each session of Congress, to present to the Senate and House of Representatives, a several list of such persons, whether revolutionary, invalid, or otherwise, as shall have made application for a pension, or an increase of pension, and as, in their opinion, respectively, ought to be placed upon the pension roll or otherwise provided for, and for doing which they have no sufficient power or authority, with the names and residence of such persons, the capacity in which they served, the degree of relief proposed, and a brief statement of the grounds thereof, to the end that Congress may consider the same.

DETAIL OF CLERKS TO COMMITTEES OF HOUSE.

RESOLUTION FEBRUARY 1, 1884 (23 STAT. L., 266).

That the Secretary of the Interior be, and is hereby, authorized if in his opinion the public interests will not suffer thereby, upon the request of either of the committees hereinafter named, to detail from that department one clerk to act as assistant clerk to the House Committee on Pensions, and one clerk to act as assistant clerk to the House Committee on Invalid Pensions.

LOYALTY REQUIRED.

SECTION 4716, REVISED STATUTES.[1]

No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.[2]

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[1] Repealed Aug. 29, 1916, see page 151.

[2] Limitation imposed by sec. 4716, R. S., is removed in specified cases by the following statutes: Act Mar. 9, 1878, 20 Stat. L., 28, c. 28, sec. 5; act Jan. 29, 1887, 24 Stat. L., 372, c. 70, sec. 5; act July 27, 1892, 27 Stat. L., 282, c. 277, sec. 6; act Aug. 1, 1892, 27 Stat. L., 340, c. 351; act Apr. 18, 1900, 31 Stat. L., 136, c. 244; act June 27, 1902, 32 Stat. L., 399, c. 1156; joint resolution July 1, 1902, 32 Stat. L., 750, pub. res., 42; act May 30, 1908, 35 Stat. L., 553, c. 230.

DISLOYALTY CONDONED IN CERTAIN CASES.

ACT AUGUST 1, 1892 (27 STAT. L., 340).

That the act entitled "An act amending the pension law so as to remove the disability of those who, having participated in the rebellion, have since its termination enlisted in the Army of the United States, and become disabled," approved, March third, eighteen hundred and seventy-seven,[1] be, and the same is hereby, amended so as to read as follows:

"That the law prohibiting the payment of any money on account of pensions to any person, or to the widow, children, or heirs of any deceased person who, in any manner, engaged in or aided or abetted the late rebellion against the authority of the United States, shall not be construed to apply to such persons as afterward voluntarily enlisted in either the Navy or Army of the United States, and who, while in such service, incurred disability from a wound or injury received or disease contracted in the line of duty."

ACT APRIL 18, 1900 (31 STAT. L., 136).

That section forty-seven hundred and sixteen of the Revised Statutes be, and the same is hereby, repealed, so far as the same may be applicable to the claims to pension of dependent parents of soldiers, sailors, and marines who served in the Army or Navy of the United States during the war with Spain.

CONSTRUCTION OF ACT JUNE 27, 1890; DISLOYALTY.

JOINT RESOLUTION JULY 1, 1902 (32 STAT. L., 750).

SEC. 1. That the Act approved June twenty-seventh, eighteen hundred and ninety, entitled "An Act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," is construed and held to include all persons and the widows and minor children of all deceased persons, subject to the limitations of said act, who served for ninety days in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, and section forty-seven hundred and sixteen, Revised Statutes United States, is amended accordingly: *Provided, however*, That the foregoing shall not apply to those who served in the First, Second, Third, Fourth, Fifth, and Sixth Regiments United States Volunteer Infantry who had a prior service in the Confederate army or navy and who enlisted in said regiments while confined as prisoners of war under a stipulation that they were not to be pensionable under the laws of the United States,[2] nor to those who, having had such prior service, enlisted in the military or naval service of the United States after the first day of January, eighteen hundred and sixty-five.

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[1] Act of Mar. 3, 1877 (19 Stat. L., 403, c. 120), related to the Army only; act of Aug. 1, 1892, extended the provisions of said act to include the Navy.

[2] Under date of Feb. 17, 1903, the Commissioner of Pensions issued instructions that claims for pension filed by persons who served in any of the six regiments above named shall be treated the same as the claims of those persons who rendered service in other than the excepted regiments, upon the ground that no such stipulation as named in the resolution, either express or implied, was found of record in the War Department.

BOTH PENSION AND PAY NOT ALLOWED UNLESS, ETC.

SECTION 4724, REVISED STATUTES.

No person in the Army, Navy, or Marine Corps shall draw both a pension as an invalid and the pay of his rank or station in the service, unless the disability for which the pension was granted be such as to occasion his employment in a lower grade, or in the civil branch of the service.

OFFICER ON RETIRED LIST NOT ENTITLED TO PENSION.

ACT AUGUST 29, 1890 (26 STAT. L., 371).

Hereafter no officer of the Army, Navy or Marine Corps on the retired list shall draw or receive any pension under any law.

NO PENSION TO PERSONS ON ACTIVE OR RETIRED LIST, ARMY, NAVY, OR MARINE CORPS.

ACT MARCH 3, 1891 (26 STAT. L., 1082).

* * * *And provided further*, That hereafter no pension shall be allowed or paid to any officer, noncommissioned officer, or private in the Army, Navy, or Marine Corps of the United States, either on the active or retired list.

NO PENSION WHILE ON ACTIVE OR RETIRED LIST, REVENUE-CUTTER SERVICE.

ACT MAY 27, 1908 (35 STAT. L., 322).

* * * *Provided*, That hereafter no pension shall be allowed or paid to any commissioned officer, warrant officer, or enlisted man in the Revenue-Cutter Service either on the active or retired list.

NO PENSION WHILE ON ACTIVE OR RETIRED LIST, COAST GUARD.

ACT JANUARY 28, 1915 (38 STAT. L., 802).

SEC. 3. * * * *Provided*, That no pension shall be allowed or paid to any commissioned officer, warrant officer, or enlisted man in the Coast Guard either on the active or retired list.

NOTICE REQUIRED BEFORE SUSPENSION OR DROPPING.

ACT DECEMBER 21, 1893 (28 STAT. L., 18).

* * * *Provided*, That any pension heretofore or that may hereafter be granted to any applicant therefor under any law of the United States authorizing the granting and payment of pensions, on application made and adjudicated upon, shall be deemed and held by all officers of the United States to be a vested right in the grantee to that extent that payment thereof shall not be withheld or suspended until, after due notice to the grantee of not less than thirty days, the Commissioner of Pensions, after hearing all the evidence, shall decide to annul, vacate, modify, or set aside the decision upon

which such pension was granted. Such notice to grantee must contain a full and true statement of any charges or allegations upon which such decision granting such pension shall be sought to be in any manner disturbed or modified.

CONTINUANCE OF PENSION TO CERTAIN PERSONS.

SECTION 4733, REVISED STATUTES.

All pensioners whose names are now on the pension-roll or who are entitled to restoration to the roll under any act of Congress, shall be entitled to the continuance of such pensions under the provisions and limitations of this Title, and to such further increase of pension as is herein provided.

PENSIONS ARE NOT TO BE WITHHELD.

SECTION 4734, REVISED STATUTES.

The provisions of law which allow the withholding of the compensation of any person who is in arrears shall not be construed to authorize the pension of any pensioner of the United States to be withheld.

DUPLICATE OF LOST DISCHARGE CERTIFICATE.

SECTION 224, REVISED STATUTES.

Whenever satisfactory proof is furnished to the War Department that any noncommissioned officer or private soldier who served in the Army of the United States in the late war against the rebellion has lost his certificate of discharge, or the same has been destroyed without his privity or procurement, the Secretary of War shall be authorized to furnish, on request, to such noncommissioned officer or private a duplicate of such certificate of discharge, to be indelibly marked, so that it may be known as a duplicate; but such certificate shall not be accepted as a voucher for the payment of any claim against the United States for pay, bounty, or other allowance, or as evidence in any other case.

DISCHARGE CERTIFICATES, MISSOURI HOME GUARDS.

ACT MAY 15, 1886 (24 STAT. L., 23).

That the Secretary of War be, and is hereby, authorized and directed to furnish, upon their several applications therefor, a certificate of discharge to each and every member of the Missouri Home Guards whose claims for pay were adjudicated by the Hawkins-Taylor Commission, under the act approved March twenty-fifth, eighteen hundred and sixty-two, and the several acts supplementary thereto.

PROVISIONS AS TO DISCHARGE CERTIFICATES EXTENDED; ALL WARS.

ACT AUGUST 22, 1912 (37 STAT. L., 324).

That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized and required to issue certificates of discharge or orders of acceptance of resignation, upon application

and proof of identity, in the true name of such persons as enlisted or served under assumed names, while minors or otherwise, in the Army or Navy during any war between the United States and any other nation or people and were honorably discharged therefrom. Applications for said certificates of discharge or amended orders of resignation may be made by or on behalf of persons entitled to them, but no such certificate or order shall be issued where a name was assumed to cover a crime or to avoid its consequence.[1]

CERTAIN SOLDIERS AND SAILORS NOT DEEMED DESERTERS.

SECTION 4749, REVISED STATUTES.

No soldier or sailor shall be taken or held to be a deserter from the Army or Navy who faithfully served according to his enlistment until the nineteenth day of April, eighteen hundred and sixty-five, and who, without proper authority or leave first obtained, quit his command or refused to serve after that date; but nothing herein contained shall operate as a remission of any forfeiture incurred by any such soldier or sailor of his pension; but this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred by the loss of his citizenship in consequence of his desertion.[2]

REMOVAL OF CHARGE OF DESERTION; NAVY AND MARINE CORPS.

ACT AUGUST 14, 1888 (25 STAT. L., 442).

SECTION 1. That the charge of desertion now standing on the rolls and records of the Navy or Marine Corps against any appointed or enlisted men of the Navy or Marine Corps who served in the late war may, in the discretion of the Secretary of the Navy, be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of the Navy, from such rolls and records or from other satisfactory evidence, that any such appointed or enlisted man served faithfully until the expiration of his term of enlistment, or until the first day of May Anno Domini eighteen hundred and sixty-five, having previously served six months or more, or was prevented from completing his term of service by reason of wounds received or disease contracted in the line of duty, but who, by reason of absence from his command at the time he became entitled to his discharge, failed to be mustered out and to receive a discharge from the service: *Provided*, That no such appointed or enlisted man shall be relieved under this section who, not being sick or wounded, left his command, without proper authority, while the same was in presence of the enemy.

SEC. 2. That the Secretary of the Navy is hereby authorized to remove the charge of desertion standing on the rolls or records of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the late war, in all cases where it shall be made to appear, to the satisfaction of the Secretary of the Navy, from such rolls or from other satisfactory evidence, that such appointed or enlisted man charged with desertion or with absence

[1] For prior legislation on same subject, see act Apr. 14, 1890 (26 Stat. L., 55), and act June 25, 1910 (36 Stat. L., 824).

[2] See sec. 2, joint resolution, July 1, 1902, and joint resolution, June 28, 1906, p. 105.

without leave, after such charge of desertion or absence without leave, and within a reasonable time thereafter, voluntarily returned to and served in the line of his duty until he was mustered out of the service, and received a certificate of discharge therefrom, or, while so absent, and before the expiration of his term of enlistment, died from wounds, injury, or disease received or contracted in the service and in the line of duty.

SEC. 3. That the charge of desertion now standing on the rolls or records of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the late war, by reason of his having enlisted at any station or on board of any vessel of the Navy without having first received a discharge from the station or vessel in which he had previously served, shall be removed in all cases wherein it shall be made to appear to the satisfaction of the Secretary of the Navy from such rolls and records, or from other satisfactory testimony, that such reenlistment was not made for the purpose of securing bounty or other gratuity that he would not have been entitled to had he remained under his original term of enlistment: *Provided*, That no appointed or enlisted man shall be relieved under this act who, not being sick or wounded, left his command without proper authority while the same was in presence of the enemy, or who, at the time of leaving his command, was in arrest or under charges, or in whose case the period of absence from the service exceeded three months.

SEC. 4. That in all cases where the charge of desertion shall be removed under the provisions of this act from the record of any appointed or enlisted man of the Navy or Marine Corps who has not received a certificate of discharge it shall be the duty of the Secretary of the Navy to issue to such appointed or enlisted man, or in case of his death, to his heirs or legal representatives, a certificate of discharge.

SEC. 5. That when the charge of desertion shall be removed under the provisions of this act from the record of any appointed or enlisted man of the Navy or Marine Corps, such man, or, in case of his death, the heirs or legal representatives of such man, shall receive all pay and bounty which may have been withheld on account of such charge of desertion or absence without leave: *Provided, however*, That this act shall not be so construed as to give to any such man as may be entitled to relief under the provisions of this act, or, in case of his death, to the heirs or legal representatives of any such man, the right to receive pay and bounty for any period of time during which such man was absent from his command without leave of absence: *And provided further*, That no appointed or enlisted man, nor the heirs or legal representatives of any such man, who served in the Navy or Marine Corps a period of less than six months shall be entitled to the benefit of the provisions of this act: *And provided further*, That all applications for relief under this act shall be made to and filed with the Secretary of the Navy within the period of five years from and after its passage, and all applications not so made and filed within the said term of five years shall be forever barred, and shall not be received or considered.

SEC. 6. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

CHARGE OF DESERTION; NAVY AND MARINE CORPS: LIMITATION REMOVED.

ACT MAY 24, 1900 (31 STAT. L., 183).

SECTION 1. That chapter eight hundred and ninety, volume twenty-five, of the United States Statutes at Large, entitled "An act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion," approved August fourteenth, eighteen hundred and eighty-eight, be, and the same is hereby, revived and reenacted.

SEC. 2. That section five of the said act be, and is hereby, so amended as to remove the limitation of time within which applications for relief may be received and acted upon under the provisions of said act.

REMOVAL OF CHARGE OF DESERTION: ARMY.

ACT MARCH 2, 1889 (25 STAT. L., 869).

SECTION 1. That the charge of desertion now standing on the rolls and records in the office of the Adjutant General of the United States Army against any soldier who served in the late war in the volunteer service shall be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that such soldier served faithfully until the expiration of his term of enlistment, or until the first day of May, anno domini eighteen hundred and sixty-five, having previously served six months or more, and, by reason of absence from his command at the time the same was mustered out, failed to be mustered out and to receive an honorable discharge, or that such soldier absented himself from his command, or from hospital while suffering from wounds, injuries, or disease received or contracted in the line of duty and was prevented from completing his term of enlistment by reason of such wounds, injuries, or disease.

SEC. 2. That the Secretary of War is hereby authorized to remove the charge of desertion from the record of any regular or volunteer soldier in the late war upon proper application therefor, and satisfactory proof in the following cases:

First. That such soldier, after such charge of desertion was made, and within a reasonable time thereafter, voluntarily returned to his command and served faithfully to the end of his term of service, or until discharged.

Second. That such soldier absented himself from his command or from hospital while suffering from wounds, injuries, or disease received or contracted in the line of duty, and upon recovery voluntarily returned to his command and served faithfully thereafter, or died from such wounds, injuries, or disease while so absent, and before the date of muster out of his command, or expiration of his term of service, or was prevented from so returning by reason of such wounds, injuries, or diseases before such muster out or expiration of service.

Third. That such soldier was a minor, and was enlisted without the consent of his parent or guardian, and was released or discharged from such service by the order or decree of any court of competent jurisdiction on habeas corpus or other proper judicial proceedings; and in any such case no pay, allowance, bounty, or pension shall be allowed or granted.

SEC. 3. That the charge of desertion now standing on the rolls and records in the office of the Adjutant General of the Army against any regular or volunteer soldier who served in the late war of the rebellion by reason of his having enlisted in any regiment, troop, or company, or in the United States Navy or Marine Corps, without having first received a discharge from the regiment, troop, or company in which he had previously served, shall be removed in all cases wherein it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that such reenlistment was not made for the purpose of securing bounty or other gratuity that he would not have been entitled to, had he remained under his original term of enlistment; that the absence from the service did not exceed four months; and that such soldier served faithfully under his reenlistment.

SEC. 4. That whenever it shall appear from the official records in the office of the Adjutant General, United States Army, that any regular or volunteer soldier of the late war was formally restored to duty from desertion by the Commander competent to order his trial for the offense, or, having deserted and being charged with desertion, was, on return to the service, suffered, without such formal restoration, to resume his place in the ranks of his command, serving faithfully thereafter until the expiration of his term, such soldier shall not be deemed to rest under any disability because of such desertion in the prosecution of any claim for pension on account of disease contracted or wounds or injuries received in the line of his duty as a soldier.

SEC. 5. That when the charge of desertion shall be removed under the provisions of this act from the record of any soldier, such soldier, or, in case of his death, the heirs or legal representatives of such soldier, shall receive the pay and bounty due to such soldier: *Provided, however*, That this act shall not be so construed as to give to any such soldier, or, in case of his death, to the heirs or legal representatives of any such soldier, any pay, bounty, or allowance for any time during which such soldier was absent from his command without proper authority; nor shall it be so construed as to give any pay, bounty, or allowance to any soldier, his heirs or legal representatives, who served in the Army a period of less than six months.

SEC. 6. That the Secretary of War be, and he hereby is, authorized and directed to amend the military record of any soldier who enlisted for the war with Mexico, upon proper application, where the rolls and records of the Adjutant General's office show the charge of desertion against him, when such rolls and records show the facts set out in the following cases:

First: That said soldier served faithfully the full term of his enlistment, or having served faithfully for six months or more, and until the fourth day of July anno domini eighteen hundred and forty-eight, left his command without having received a discharge.

Second. That such soldier, after said charge of desertion was entered on the rolls, voluntarily returned to his command within a reasonable time and served faithfully until discharged.

SEC. 7. That the provisions of this act shall not be so construed as to relieve any soldier from the charge of desertion who left his command from disaffection or disloyalty to the Government, or to evade the dangers and hardships of the service, or whilst in the presence

of the enemy (not being sick or wounded), or while in arrest or under charges for breach of military duty, or in case of a soldier of the Mexican War, who did not actually reach the seat of war.

SEC. 8. That when such charge of desertion is removed under the provisions of this act, the soldier shall be restored to a status of honorable service, his military record shall be corrected as the facts may require, and an honorable discharge shall be issued in those cases where the soldier has received none; and he shall be restored to all his rights as to pension, pay, or allowances as if the charge of desertion had never been made; and in case of the death of said soldier, his widow or other legal heir shall be entitled to the same rights as in case of other deceased honorably discharged soldiers: *Provided*, That this act shall not be construed to give to any soldier, or his legal representatives or heir, any pay or allowance for any period of time he was absent without leave, and not in the performance of military duty.

SEC. 9. That all applications for relief under this act shall be made to and filed with the Secretary of War within the period of three years from and after July first, eighteen hundred and eighty-nine, and all applications not so made and filed within said term of three years shall be forever barred, and shall not be received or considered.

SEC. 10. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

MINORS RELEASED BY ORDER OF COURT.

ACT MARCH 2, 1891 (26 STAT. L., 824).

That subdivision three of section two of the above entitled act be, and the same is, amended so as to read as follows:[1]

"Third. That such soldier was a minor, and was enlisted without the consent of his parent or guardian, and was released or discharged from such service by the order or decree of any State or United States court on habeas corpus or other judicial proceedings, and in such case such soldier shall not be entitled to any bounty or allowance, or pay for any time such soldier was not in the performance of military duty."

LIMITATION, ACT MARCH 2, 1889, EXTENDED TWO YEARS.

ACT JULY 27, 1892 (27 STAT. L., 278).

That section nine of the act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico, passed March second, anno Domini eighteen hundred and eighty-nine, be, and the same is hereby, so amended as to extend the time for the limitation of the operation of said section for the period of two years from the first of July, eighteen hundred and ninety-two.

[1] Title of act: An act to amend an act entitled "An act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico," approved Mar. 2, eighteen hundred and eighty-nine. (See p. 101.)

LIMITATION, ACT MARCH 2, 1889, REMOVED.

ACT MARCH 2, 1895 (28 STAT. L., 814).

That section nine of the act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico, approved March second, eighteen hundred and eighty-nine, be, and the same is hereby, so amended as to remove the limitation of time within which applications for relief may be received and acted upon under the provisions of said act.[1]

DESERTION IN TIME OF WAR FORFEITS PENSION.

ACT APRIL 26, 1898 (30 STAT. L., 365).

SEC. 6. That in time of war the pay proper of enlisted men shall be increased twenty per centum over and above the rates of pay as fixed by law: *Provided*, That in war time no additional increased compensation shall be allowed to soldiers performing what is known as extra or special duty: *Provided further*, That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired.

AMENDING ACT APRIL 26, 1898: DESERTION.

ACT MAY 11, 1908 (35 STAT. L., 110).

That section six of the act entitled "An act for the better organization of the line of the Army of the United States," approved April twenty-sixth, eighteen hundred and ninety-eight, be amended so as to read as follows:

"SEC. 6. That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired."

That nothing herein contained shall be construed so as to reduce the pay or allowances now authorized by law for any officer or enlisted man of the Army; and all laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

MODIFYING CERTAIN SPECIAL ACTS OF SIXTY-FIRST CONGRESS.

JOINT RESOLUTION FEBRUARY 27, 1911 (36 STAT. L., 1458).

That in all laws approved during the Sixty-first Congress having for their object the removal of disabilities accruing from defective records in the military or naval service of the United States, the words "*Provided*, That, other than as above set forth, no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this Act" shall not prohibit or prevent the granting of a pension on an application made after the approval of this Act, and accruing only from the date of said application.

[1] Prior laws as to removal of the charge of desertion standing against Volunteers and Regulars serving during the Civil War were enacted Aug. 7, 1882 (22 Stat. L., 347); July 5, 1884 (23 Stat. L., 119); and May 17, 1886 (24 Stat. L., 51), and reenacted in act Mar. 2, 1889.

SERVICE TO DATE OF DISBANDMENT.

SECTION 4701, REVISED STATUTES.

The period of service of all persons entitled to the benefits of the pension-laws, or on account of whose death any person may become entitled to a pension, shall be construed to extend to the time of disbanding the organization to which such persons belonged, or until their actual discharge for other cause than the expiration of the service of such organization.

HONORABLE DISCHARGE FOR PENSIONABLE PURPOSES.

JOINT RESOLUTION JULY 1, 1902 (32 STAT. L., 750).

SEC. 2. That in the administration of the pension laws any enlisted man of the Army, including regulars, volunteers, and militia, or any appointed or enlisted man of the Navy or Marine Corps, who was honorably discharged from the last contract of service entered into by him during the late war of the rebellion, shall be held and considered to have been honorably discharged from all similar contracts of service previously entered into by him with the United States during said war: *Provided*, That such enlisted or appointed man served not less than six months under said last enlistment or appointment, that his entire service under said last enlistment or appointment was faithful, and that he did not receive by reason of said last enlistment or appointment any bounty or gratuity other than from the United States in excess of that to which he would have been entitled if he had continued to serve faithfully until honorably discharged under any contract of service previously entered into by him, either in the Army, Navy, or Marine Corps, during the war of the rebellion.

HONORABLE DISCHARGE; PROVISIONS EXTENDED.

JOINT RESOLUTION JUNE 28, 1906 (34 STAT. L., 836).

That section two of joint resolution approved July first, nineteen hundred and two, be amended to read as follows:

"SEC. 2. That in the administration of the pension laws any enlisted man or commissioned officer of the Army, including regulars, volunteers, and militia, or any appointed or enlisted man or commissioned officer of the Navy or Marine Corps, who was honorably discharged from any subsequent contract of service entered into by him during the late war of the rebellion, shall be held and considered to have been honorably discharged from all previous contracts of service as commissioned officer or enlisted man previously entered into by him with the United States during said war: *Provided*, That such enlisted or appointed man or commissioned officer served not less than six months under any subsequent enlistment, appointment, or commission; that his entire service under any said subsequent enlistment, appointment, or commission was faithful, and that he did not receive by reason of said enlistment, appointment, or commission any bounty or gratuity other than from the United States in excess of that to which he would have been entitled if he had continued to serve faithfully until honorably discharged under any contract of service previously entered into by him, either in the Army, Navy, or Marine Corps, during the war of the rebellion.

STATUS OF VOLUNTEERS.

ACT APRIL 22, 1898 (30 STAT. L., 361).

SEC. 12. That all officers and enlisted men of the Volunteer Army and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances, and pensions as that of officers and enlisted men of corresponding grades in the Regular Army.

STATUS OF MERCHANT-MARINE SERVICE.

ACT MAY 28, 1896 (29 STAT. L., 189).

* * * No master, mate, pilot, or engineer of steam vessels licensed under title fifty-two of the Revised Statutes shall be liable to draft in time of War, except for the performance of duties such as required by his license; and, while performing such duties in the service of the United States, every such master, mate, pilot, or engineer shall be entitled to the highest rate of wages paid in the merchant marine of the United States for similar services; and if killed or wounded while performing such duties under the United States, they, or their heirs, or their legal representatives shall be entitled to all the privileges accorded to soldiers and sailors serving in the Army and Navy, under the pension laws of the United States.

EMPLOYMENT IN CIVIL SERVICE NO BAR TO PENSION.

ACT MARCH 1, 1879 (20 STAT. L., 327).

That all persons who, under and by virtue of the first section of the act entitled "An act supplementary to the several acts relating to pensions," approved March third, eighteen hundred and sixty-five, were deprived of their pensions during any portion of the time from the third of March, eighteen hundred and sixty-five, to the sixth of June, eighteen hundred and sixty-six, by reason of their being in the civil service of the United States, shall be paid their said pensions, withheld by virtue of said section of the act aforesaid, for and during the said period of time from the third of March, eighteen hundred and sixty-five, to the sixth of June, eighteen hundred and sixty-six.

STATUS OF ARMY PAYMASTERS' CLERKS.

ACT MARCH 3, 1911 (36 STAT. L., 1044).

Hereafter the pay and allowances of Army paymasters' clerks shall be the same as provided by law for Navy paymasters' clerks on shore duty, and they shall also be entitled to the same right of retirement with the same retired pay as is now allowed Navy paymasters' clerks: *Provided*, That Army paymasters' clerks shall be subject to the rules and articles of war.

REMUSTER OF OFFICERS.

ACT FEBRUARY 24, 1897 (29 STAT. L., 593).

SECTION 1. That any person who was duly appointed or commissioned to be an officer of the volunteer service during the war of the rebellion, and who was subject to the mustering regulations at the

time applied to members of the volunteer service shall be held and considered to have been mustered into the service of the United States in the grade named in his appointment or commission from the date from which he was to take rank under and by the terms of his said appointment or commission, whether the same was actually received by him or not, and shall be entitled to pay, emoluments, and pension as if actually mustered at that date: *Provided*, That at the date from which he was to take rank by the terms of his said appointment or commission there was a vacancy to which he could be so appointed or commissioned, and his command had either been recruited to the minimum number required by law and the regulations of the War Department, or had been assigned to duty in the field, and that he was actually performing the duties of the grade to which he was so appointed or commissioned; or if not so performing such duties, then he shall be held and considered to have been mustered into service and to be entitled to the benefits of such muster from such time after the date of rank given in his commission as he may have actually entered upon such duties: *Provided further*, That any person held as a prisoner of war, or who may have been absent by reason of wounds, or in hospital by reason of disability received in the service in the line of duty, at the date of issue of his appointment or commission, if a vacancy existed for him in the grade to which so appointed or commissioned, shall be entitled to all the benefits to which he would have been entitled under this Act if he had been actually performing the duties of the grade to which he was appointed or commissioned at said date: *Provided further*, That this Act shall be construed to apply only in those cases where the commission bears date prior to June twentieth, eighteen hundred and sixty-three, or after that date when the commands of the persons appointed or commissioned were not below the minimum number required by then existing laws and regulations.

SEC. 2. That the heirs or legal representatives of any person whose muster into service shall be recognized and established under the terms of this Act shall be entitled to receive the arrears of pay and emoluments due, and the pension, if any, authorized by law, for the grade to which recognition shall be so extended.

SEC. 3. That the pay and allowances of any rank or grade paid to and received by any military or naval officer in good faith for services actually performed by such officer in such rank or grade during the war of the rebellion, other than as directed in the fourth proviso of the first section of this Act, shall not be charged to or recovered back from such officer because of any defect in the title of such officer to the office, rank, or grade in which such services were so actually performed.

SEC. 4. That all acts and parts of acts inconsistent with the provisions of this Act be, and the same are hereby, repealed.[1]

[1] See limitation imposed by act April 19, 1910 (36 Stat. L., 324). Prior acts relating to muster, remuster, and pay of certain officers and enlisted men of the volunteer forces in the Civil War; joint resolution July 26, 1866 (14 Stat. L., 368); joint resolution July 11, 1870 (16 Stat. L., 385); act June 3, 1884 (23 Stat. L., 34); act Feb. 8, 1887 (24 Stat. L., 377).

COPIES OF RECORDS TO BE FURNISHED; FEES.

ACT AUGUST 24, 1912 (37 STAT. L., 497).

SECTION 1. That the Secretary of the Interior, the head of any bureau, office, or institution, or any officer of that department, may, when not prejudicial to the interests of the Government, furnish authenticated or unauthenticated copies of any official books, records, papers, documents, maps, plats, or diagrams within his custody, and charge therefor the following fees: For all written copies, at the rate of fifteen cents for each hundred words therein; for each photo-lithographic copy, twenty-five cents where such copies are authorized by law; for photographic copies, fifteen cents for each sheet; and for tracings or blue prints the cost of the production thereof to be determined by the officer furnishing such copies, and in addition to these fees the sum of twenty-five cents shall be charged for each certificate of verification and the seal attached to authenticated copies: *Provided*, That there shall be no charge for the making or verification of copies required for official use by the officers of any branch of the Government: *Provided further*, That only a charge of twenty-five cents shall be made for furnishing authenticated copies of any rules, regulations, or instructions printed by the Government for gratuitous distribution.

SEC. 2. That nothing in this Act shall be construed to limit or restrict in any manner the authority of the Secretary of the Interior to prescribe such rules and regulations as he may deem proper governing the inspection of the records of said department and its various bureaus by the general public, and any person having any particular interest in any of such records may be permitted to take copies of such records under such rules and regulations as may be prescribed by the Secretary of the Interior.

SEC. 3. That all authenticated copies furnished under this Act shall be admitted in evidence equally with the originals thereof.

SEC. 4. That all officers who furnish authenticated copies under this Act shall attest their authentication by the use of an official seal, which is hereby authorized for that purpose.[1]

SEC. 6. That all sums received under the provisions of this Act shall be deposited in the Treasury to the credit of miscellaneous receipts.

The following sections in this chapter consist of excerpts from an office publication not available for general distribution, and the numbers of sections correspond with the numbers of sections in that publication:

TABLE OF RATES.

410. TABLE I.—*For simple total (a disability equivalent to the anchylosis of a wrist) provided by section 4695, Revised Statutes, United States.*

ARMY.

	Per month.
Lieutenant colonel and all officers of higher rank	$30.00
Major, surgeon, and paymaster	25.00
Captain, provost marshal, and chaplain	20.00

[1] Section 5 has no application to the Bureau of Pensions.

	Per month.
First lieutenant, assistant surgeon, deputy provost marshal, and quartermaster	$17.00
Second lieutenant and enrolling officer	15.00
All enlisted men	8.00

NAVY AND MARINE CORPS.

Captain, and all officers of higher rank, commander, lieutenant commanding, and master commanding, surgeon, paymaster, and chief engineer ranking with commander by law, lieutenant colonel, and all of higher rank in Marine Corps	30.00
Lieutenant, passed assistant surgeon, surgeon, paymaster, and chief engineer ranking with lieutenant by law, and major in Marine Corps	25.00
Master (now lieutenant, junior grade), professor of mathematics, assistant surgeon, assistant paymaster, and chaplain, and captain in Marine Corps	20.00
First lieutenant in Marine Corps	17.00
First assistant engineer, ensign, and pilot, and second lieutenant in Marine Corps	15.00
Cadet midshipmen, passed midshipmen, midshipmen clerks of admirals, of paymasters, and of officers commanding vessels, second and third assistant engineers, master's mate, and warrant officers	10.00
All enlisted men, except warrant officers	8.00

411. TABLE II.—*Permanent specific disabilities.*

Disabilities.	From July 4, 1864.	From Mar. 3, 1865.	From June 6, 1866.	From June 4, 1872.	From June 4, 1874.	From Feb. 28, 1877.	From June 17, 1878.	From Mar. 3, 1879.	From Mar. 3, 1883.	From Mar. 3, 1885.	From Aug. 4, 1886.	From Aug. 27, 1888.	From Feb. 12, 1889.	From Mar. 4, 1890.	From July 14, 1892.	From Jan. 15, 1903.	From Mar. 2, 1903.	From Apr. 8, 1904.
Loss of both hands	$25.00	.....	.....	$31.25	$50.00	.....	$72.00	.....	.....	.....	.....	.....	$100.00	.....	.....	.....	.....	.....
Loss of both feet	20.00	.....	.....	31.25	50.00	.....	72.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	$100.00	.....
Loss of sight of both eyes	25.00	.....	.....	31.25	50.00	.....	72.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	$100.00
Loss of sight of one eye, the sight of the other having been lost before enlistment	.....	.....	$25.00	31.25	50.00	.....	72.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	100.00
Loss of one hand and one foot	.....	$20.00	.....	24.00	.....	$36.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	60.00	.....
Loss of a hand or a foot	.....	.....	15.00	18.00	.....	.....	.....	.....	$24.00	.....	$30.00	.....	.....	.....	.....	.....	40.00	.....
Loss of an arm at or above the elbow or a leg at or above the knee	.....	.....	15.00	18.00	24.00	.....	.....	.....	30.00	.....	36.00	.....	.....	.....	.....	.....	46.00	.....
Loss of either a leg at the hip joint or an arm at the shoulder joint, or so near as to prevent the use of an artificial limb	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	45.00	.....	.....	.....	.....	.....	55.00	.....
Loss of leg at hip joint	.....	.....	15.00	24.00	.....	.....	.....	$37.50	.....	.....	45.00	.....	.....	.....	.....	.....	55.00	.....
Loss of an arm at shoulder joint	.....	.....	15.00	18.00	24.00	.....	.....	.....	.....	$37.50	45.00	.....	.....	.....	.....	.....	55.00	.....
Total disability in both hands	.....	.....	25.00	31.25	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total disability in both feet	.....	.....	20.00	31.25	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total disability in one hand and one foot	.....	.....	20.00	24.00	.....	36.00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	60.00	.....
Total disability in one hand or one foot	.....	.....	15.00	18.00	.....	.....	.....	.....	24.00	.....	30.00	.....	.....	.....	.....	.....	40.00	.....
Total disability in arm or leg	.....	.....	15.00	18.00	.....	.....	.....	.....	24.00	.....	36.00	.....	.....	.....	.....	.....	46.00	.....
Disability equivalent to the loss of a hand or a foot (third grade)	.....	.....	15.00	18.00	.....	.....	.....	.....	24.00	.....	.....	.....	.....	.....	.....	.....	.....	.....
Incapacity to perform manual labor (second grade)	.....	.....	20.00	24.00	.....	.....	.....	.....	30.00	.....	.....	.....	.....	.....	.....	.....	.....	.....
Regular aid and attendance (first grade) [1]	.....	.....	25.00	31.25	50.00	.....	72.00	.....	.....	.....	.....	.....	.....	$72.00	.....	.....	.....	.....
Frequent and periodical, not constant, aid and attendance (intermediate grade)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	$50.00	.....	.....	.....
Total deafness	.....	.....	.....	13.00	.....	.....	.....	.....	.....	.....	.....	$30.00	.....	.....	.....	$40.00	.....	.....

[1] $72 from June 17, 1878, only where the rate was $50, under act of June 18, 1874, and granted to date prior to June 16, 1880. First grade proper is $50, amended by act Mar. 4, 1890, which increases rate to $72.

412. TABLE III.—*Rates fixed by the Commissioner of Pensions for certain disabilities not specified by law.*

	Per month.
Anchylosis of shoulder	$12.00
Anchylosis of elbow	10.00
Anchylosis of knee	10.00
Anchylosis of ankle	8.00
Anchylosis of wrist	8.00
Loss of sight of one eye	12.00
Loss of one eye	17.00
Nearly total deafness of one ear	6.00
Total deafness of one ear	10.00
Slight deafness of both ears	6.00
Severe deafness of one ear and slight of the other	10.00
Nearly total deafness of one ear and slight of the other	15.00
Total deafness of one ear and slight of the other	20.00
Severe deafness of both ears	22.00
Total deafness of one ear and severe of the other	25.00
Deafness of both ears existing in a degree nearly total	27.00
Loss of palm of hand, and all the fingers, the thumb remaining	17.00
Loss of thumb, index, middle, and ring fingers	17.00
Loss of thumb, index, and middle fingers	16.00
Loss of thumb and index finger	12.00
Loss of thumb and little finger	10.00
Loss of thumb, index, and little fingers	16.00
Loss of thumb	8.00
Loss of thumb and metacarpal bone	12.00
Loss of all the fingers, thumb and palm remaining	16.00
Loss of index, middle, and ring fingers	16.00
Loss of middle, ring, and little fingers	14.00
Loss of index and middle fingers	8.00
Loss of little and middle fingers	8.00
Loss of little and ring fingers	6.00
Loss of ring and middle fingers	6.00
Loss of index finger	4.00
Loss of any other finger without complications	2.00
Loss of all the toes of one foot	10.00
Loss of great, second, and third toes	8.00
Loss of great toe and metatarsal	8.00
Loss of great and second toes	8.00
Loss of great toe	6.00
Loss of any other toe and metatarsal	6.00
Loss of any other toe	2.00
Chopart's amputation of foot, with good results	14.00
Pirogoff's modification of Syme's	17.00
Small varicocele	no rate
Well-marked varicocele	no fixed rate
Inguinal hernia, which passes through the external ring	10.00
Inguinal hernia, which does not pass through the external ring	6.00
Double inguinal hernia, each of which passes through the external ring	14.00
Double inguinal hernia, one of which passes through the external ring and other does not	12.00
Double inguinal hernia, neither of which passes through the external ring	8.00
Femoral hernia	10.00

Section 4699, Revised Statutes, provides that the rate of $18 per month may be proportionately divided for any degree of disability established for which section 4695 makes no provision.

The act of August 27, 1888, provides a $30 rate for total deafness and authorizes the Secretary of the Interior to grant such proportion thereof in cases of partial deafness as he may deem equitable. Act January 15, 1903, increases rate for total deafness to $40. Rates on partial degrees not affected.

The act of March 2, 1895, provides that "All pensioners now on the rolls, who are pensioned at less than six dollars per month, for any degree of pensionable disability, shall have their pensions increased to six dollars per month;

and that, hereafter, whenever any applicant for pension would, under existing rates, be entitled to less than six dollars for any single disability or several combined disabilities, such pensioner shall be rated at not less than six dollars per month: *Provided also*, That the provisions hereof shall not be held to cover any pensionable period prior to the passage of this act, nor authorize a rerating of any claim for any part of such period, nor prevent the allowance of lower rates than six dollars per month, according to the existing practice in the Pension Office in pending cases covering any pensionable period prior to the passage of this act."

413. TABLE IV.—*Miscellaneous rates.*

INVALID.

	Per month.
Indian wars:	
Acts July 27, 1892, June 27, 1902, and May 30, 1908	$8.00
Act of Feb. 19, 1913	20.00
Mexican War:	
Act Jan. 29, 1887	8.00
Acts Jan. 5, 1893, and Apr. 23, 1900, certain survivors	12.00
Act Mar. 3, 1903, all survivors	12.00
Act Feb. 6, 1907—	
At 62 years	12.00
At 70 years	15.00
At 75 years or over	20.00
Act of May 11, 1912	30.00
Civil War:	
Act June 27, 1890, in its original form, and also as amended by the act of May 9, 1900	6.00–12.00
Act Feb. 6, 1907—	
At 62 years	12.00
At 70 years	15.00
At 75 years or over	20.00
Act of May 11, 1912. (See sec. 445, p. 136.)	
Army nurses:	
Act Aug. 5, 1892	12.00
Navy service pensions:	
Section 4756, Revised Statutes, for 20 years' service, one-half the pay of rating at discharge.	
Section 4757, Revised Statutes, for 10 years' service, not to exceed the rate for total disability.	
(See sec. 451, p. 137.)	

WIDOWS AND MINORS.

Revolutionary War:	
Act Mar. 9, 1878, widows only	8.00
Act Mar. 19, 1886, widows only	12.00
War of 1812:	
Act Mar. 9, 1878, widows only	8.00
Act Mar. 19, 1886, widows only	12.00
Indian wars:	
Acts July 27, 1892, June 27, 1902, and May 30, 1908, widows only	8.00
Act Apr. 19, 1908, sec. 1, widows only	12.00
Mexican War:	
Act Jan. 29, 1887, widows only	8.00
Act Apr. 19, 1908, sec. 1, widows only	12.00
Civil War:	
Section 4702, R. S., widows and minors, same rates as in Table 1.	
Act Mar. 19, 1886, widows and minors	12.00
Act June 27, 1890, in its original form, and as amended by the act of May 9, 1900	8.00
Act Apr. 19, 1908	12.00

From and after July 25, 1866, a widow is entitled, under the provisions of section 4703, Revised Statutes, to the sum of $2 per month additional on account of each legitimate minor child of the deceased soldier or sailor (in her

care and custody, if by his former marriage) until such child reaches the age of 16 years. Where the widow has died, remarried, or has no title, the minor children under 16 years of age succeed to the widow's rights.

In claims under the act of June 27, 1890, both in its original and amended forms, the additional pension of $2 per month is granted. In addition provision is made in said act for the continuance of pension granted to an insane, idiotic, or otherwise physically or mentally helpless minor child, during its life or during the period of disability. This proviso is applicable to minors' claims under any statute.

DEPENDENT RELATIVES.

Section 4707, Revised Statutes, in its original form, and as amended by sec. 1, act June 27, 1890, same rates as in Table 1.
Act Mar. 19, 1886 ..... $12.00

414. RATES FOR OFFICERS, SECTIONS 4692 AND 4693, REVISED STATUTES.

Rates for officers in claims under sections 4692 and 4693, Revised Statutes, shall be one-quarter, one-half, three-quarters, and total. Officers below the rank of first lieutenant may receive rates in fractions of eighteen in excess of their total.

NOTE.

For additional rates see act September 8, 1916, page 152; act March 4, 1917, page 154; act October 6, 1917, page 156; act June 10, 1918, page 157; act July 16, 1918, page 157.

CHAPTER X.

CRIMES.

STATUTE OF LIMITATIONS.

SECTION 1044, REVISED STATUTES.

No person shall be prosecuted, tried or punished for any offense not capital, except as provided in section one thousand and forty-six, unless the indictment is found, or the information is instituted within three years next after such offense shall have been committed. But this act shall not have effect to authorize the prosecution, trial or punishment for any offense, barred by the provisions of existing laws.[1]

FLEEING FROM JUSTICE.

SECTION 1045, REVISED STATUTES.

Nothing in the two preceding sections shall extend to any person fleeing from justice.[2]

PENALTY FOR RETAINING PAPERS.

ACT MAY 21, 1872 (17 STAT. L., 137).

That any claim-agent, attorney, or other person engaged in the collection of claims for pay, bounty, pension, or other allowances for any soldier, sailor, or marine, or for any commissioned officer of the military or naval forces, or who may have been a soldier, sailor, marine, or officer of the regular or volunteer forces of the United States, and honorably discharged, who shall retain, without the consent of the owner or owners thereof, or shall refuse to deliver or account for the same upon demand duly made by the owner or owners thereof, or by their agent or attorney, the discharge-papers or land-warrant of any such soldier, sailor, or marine, or commissioned officer, which may have been placed in his hands for the purpose of collecting said claims, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or both, at the discretion of the court, and shall thereafter be debarred from prosecuting any such claim in any executive department of the Government.

PLEDGE OR TRANSFER OF PENSION VOID; PENALTY.

ACT FEBRUARY 28, 1883, AMENDING SECTION 4745, REVISED STATUTES (22 STAT. L., 432).

SEC. 4745. Any pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest in any pension which has been, or may

[1] Sec. 1046 relates to the revenue laws.
[2] Sec. 1043 relates to capital offenses.

hereafter be, granted, shall be void and of no effect, and any person who shall pledge, or receive as a pledge, mortgage, sale, assignment or transfer of any right, claim, or interest in any pension, or pension certificate, which has been, or may hereafter be granted or issued, or who shall hold the same as collateral security for any debt, or promise, or upon any pretext of such security, or promise, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars and the costs of the prosecution; and any person who shall retain the certificate of a pensioner and refuse to surrender the same upon the demand of the Commissioner of Pensions, or a United States pension agent, or any other person authorized by the Commissioner of Pensions or the pensioner to receive the same shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars and the costs of the prosecution.

ILLEGAL FEES; PENALTY.

ACT JULY 4, 1884 (23 STAT. L., 99).

That section forty-seven hundred and eighty-six of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 4. * * * Any agent or attorney or other person instrumental in prosecuting any claim for pension or bounty land, who shall directly or indirectly contract for, demand or receive or retain any greater compensation for his services or instrumentality in prosecuting a claim for pension or bounty land than is herein provided, or for payment thereof at any other time or in any other manner than is herein provided, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of the pension or claim allowed and due such pensioner or claimant, or the land warrant issued to any such claimant, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for every such offense be fined not exceeding five hundred dollars, or imprisoned at hard labor not exceeding two years, or both, in the discretion of the court."

ILLEGAL FEES; WITHHOLDING PENSION; PENALTY.

ACT JUNE 27, 1890 (26 STAT. L., 183).

SEC. 4. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than ten dollars, which sum shall be payable only upon the order of the Commissioner of Pensions, by the pension agent making payment of the pension allowed, and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offence, be fined not exceeding five hundred dollars, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

EMBEZZLEMENT OF PENSION MONEY.

ACT FEBRUARY 10, 1891, AMENDING SECTIONS 4783 AND 5486, REVISED STATUTES (26 STAT. L., 746).

"Every guardian, conservator, curator, committee, tutor, or other person having charge and custody in a fiduciary capacity of the pension of his ward, who shall embezzle the same in violation of his trust, or fraudulently convert the same to his own use, shall be punished by fine not exceeding two thousand dollars or imprisonment at hard labor for a term not exceeding five years, or both, at the discretion of the court."

FEES IN CERTAIN CASES; PENALTY FOR ILLEGAL FEE.

ACT MARCH 3, 1891 (26 STAT. L., 1082).

Hereafter no agent or attorney shall demand, receive, or be allowed any compensation under existing law exceeding two dollars in any claim for increase of pension on account of the increase of the disability for which the pension has been allowed, or for services rendered in securing the passage of any special act of Congress granting a pension or an increase of pension in any case that has been presented at the Pension Office or is allowable under the general pension laws:[1] *And provided further*, That any agent, attorney, or other person instrumental in prosecuting any claim for increase of pension on account of the increase of disability for which pension was allowed, or who has rendered services in procuring the passage of any special act of Congress granting a pension or an increase of pension in any case that has been presented at the Pension Office or is allowable under the general pension laws, who shall directly or indirectly contract for, demand, receive, or retain any compensation for such services, except as hereinbefore provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars or imprisoned, not exceeding two years or both, in the discretion of the court: *Provided, however*, That the foregoing provisions in relation to fees of agents or attorneys shall not apply to any case now pending where there is an existing lawful contract express or implied.

NO FEE; PENALTY.

ACT AUGUST 5, 1892 (27 STAT. L., 349).

SEC. 2. That no fee, compensation, or allowance shall be paid to, received, or accepted by any agent, attorney, or other person instrumental in the prosecution of any claim for pension under this act; and any person who may make any claim upon any applicant for any fee, compensation, or allowance shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars, or imprisoned at hard labor not exceeding one year, or both, in the discretion of the court; and it shall be the duty of the Interior and War Departments to render all proper aid to applicants under this act.

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[1] See act May 28, 1908, p. 117.

FALSE OR FRAUDULENT AFFIDAVIT; POSTDATING VOUCHER.

ACT JULY 7, 1898, AMENDING SECTION 4746, REVISED STATUTES (30 STAT. L., 718).

(4746) "That every person who knowingly or willfully makes or aids, or assists in the making, or in any wise procures the making or presentation of any false or fraudulent affidavit, declaration, certificate, voucher, or paper or writing purporting to be such, concerning any claim for pension or payment thereof, or pertaining to any other matter within the jurisdiction of the Commissioner of Pensions or of the Secretary of the Interior, or who knowingly or willfully makes or causes to be made, or aids or assists in the making, or presents or causes to be presented at any pension agency any power of attorney or other paper required as a voucher in drawing a pension, which paper bears a date subsequent to that upon which it was actually signed or acknowledged by the pensioner, and every person before whom any declaration, affidavit, voucher, or other paper or writing to be used in aid of the prosecution of any claim for pension or bounty land or payment thereof purports to have been executed who shall knowingly certify that the declarant, affiant, or witness named in such declaration, affidavit, voucher, or other paper or writing personally appeared before him and was sworn thereto, or acknowledged the execution thereof, when, in fact, such declarant, affiant, or witness did not personally appear before him or was not sworn thereto, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for a term of not more than five years."

ATTORNEYS' FEES; PENALTY FOR ILLEGAL FEE.

ACT APRIL 19, 1908 (35 STAT. L., 64).

That no claim agent or attorney shall be recognized in the adjudication of claims under the first section of this Act, and that no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of the second section of this Act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than ten dollars, which sum shall be payable only upon the order of the Commissioner of Pensions by the pension agent making payment of the pension allowed; and any person who shall violate any of the provisions of this section or who shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

SPECIAL-ACT PENSIONS; ILLEGAL FEE; PENALTY.

ACT MAY 28, 1908 (35 STAT. L., 419).

That hereafter no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing the introduction of a bill or the passage thereof through

Congress granting pension or increase of pension, and any person who shall, directly or indirectly, contract for, demand, receive, or retain any compensation for such services shall be deemed guilty of an offense, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars or imprisoned not exceeding two years, or both, in the discretion of the court.

CRIMINAL CODE.

ACT MARCH 4, 1909 (35 STAT. L., 1088).

SEC. 21. If two or more persons in any State, Territory, or District conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, Territory, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined not more than five thousand dollars, or imprisoned not more than six years, or both.

SEC. 28. Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid, or assist in the false making, altering, forging, or counterfeiting, any bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or shall utter or publish as true, or cause to be uttered or published as true, or have in his possession with the intent to utter or publish as true, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, knowing the same to be false, forged, altered, or counterfeited; or shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, the office of any officer of the United States, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for the purpose of defrauding the United States, shall be fined not more than one thousand dollars, or imprisonment not more than ten years, or both.

SEC. 29. Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid or assist in the false making, altering, forging, or counterfeiting, any deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of obtaining or receiving, or of enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any of their officers or agents, any sum of money; or whoever shall utter or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, with intent to defraud the United

States, knowing the same to be false, altered, forged, or counterfeited; or whoever shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, any office or officer of the Government of the United States, any deed, power of attorney, order, certificate, receipt, contract, or other writing, in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited, shall be fined not more than one thousand dollars and imprisoned not more than ten years.

SEC. 30. Whoever, knowingly and with intent to defraud the United States, shall have in his possession any false, altered, forged, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of enabling another to obtain from the United States, or from any officer or agent thereof, any sum of money, shall be fined not more than five hundred dollars, or imprisoned not more than five years, or both.

SEC. 31. Whoever, being an officer authorized to administer oaths or to take and certify acknowledgments, shall knowingly make any false acknowledgment, certificate, or statement concerning the appearance before him or the taking of an oath or affirmation by any person with respect to any proposal, contract, bond, undertaking, or other matter, submitted to, made with, or taken on behalf of, the United States, and concerning which an oath or affirmation is required by law or regulation made in pursuance of law, or with respect to the financial standing of any principal, surety, or other party to any such proposal, contract, bond, undertaking, or other instrument, shall be fined not more than two thousand dollars, or imprisoned not more than two years, or both.

SEC. 32. Whoever, with intent to defraud either the United States or any person, shall falsely assume or pretend to be an officer or employee acting under the authority of the United States, or any Department, or any officer of the Government thereof, and shall take upon himself to act as such, or shall in such pretended character demand or obtain from any person or from the United States, or any Department, or any officer of the Government thereof, any money, paper, document, or other valuable thing, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both.

SEC. 33. Whoever shall falsely personate any true and lawful holder of any share or sum in the public stocks or debt of the United States, or any person entitled to any annuity, dividend, pension, prize money, wages, or other debt due from the United States, and, under color of such false personation, shall transfer or endeavor to transfer such public stock or any part thereof, or shall receive or endeavor to receive the money of such true and lawful holder thereof, or the money of any person really entitled to receive such annuity, dividend, pension, prize money, wages, or other debt, shall be fined not more than five thousand dollars and imprisoned not more than ten years.

SEC. 34. Whoever shall knowingly or fraudulently demand or endeavor to obtain any share or sum in the public stocks of the United States, or to have any part thereof transferred, assigned, sold, or conveyed, or to have any annuity, dividend, pension, prize

money, wages, or other debt due from the United States, or any part thereof, received, or paid by virtue of any false, forged, or counterfeited power of attorney, authority, or instrument, shall be fined not more than five thousand dollars and imprisoned not more than ten years.

SEC. 35.[1] Whoever shall make or cause to be made, or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States, or any department or officer thereof, knowing such claim to be false, fictitious, or fraudulent; or whoever, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, shall make or use, or cause to be made or used, any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; or whoever, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, with intent to defraud the United States or willfully to conceal such money or other property, shall deliver or cause to be delivered, to any other person having authority to receive the same, any amount of such money or other property less than that for which he received a certificate or took a receipt; or whoever, being authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, shall make or deliver the same to any other person without a full knowledge of the truth of the facts stated therein and with intent to defraud the United States, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. And whoever shall knowingly purchase or receive in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service, any arms, equipments, ammunition, clothes, military stores, or other public property, whether furnished to the soldier, sailor, officer, or person, under a clothing allowance or otherwise, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, shall be fined not more than five hundred dollars, and imprisoned not more than two years.

SEC. 37. If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than ten thousand dollars, or imprisoned not more than two years, or both.

SEC. 39. Whoever shall promise, offer, or give, or cause or procure to be promised, offered, or given, any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any officer of the United States, or to any person acting for or on behalf of the United States

[1] Amended by act of Oct. 23, 1918, see Supplement, p. 158.

in any official function, under or by authority of any department or office of the Government thereof, or to any officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or both Houses thereof, with intent to influence his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or tendered, and imprisoned not more than three years.

SEC. 40. Whoever shall take and carry away, without authority from the United States, from the place where it has been filed, lodged, or deposited, or where it may for the time being actually be kept by authority of the United States, any certificate, affidavit, deposition, written statement of facts, power of attorney, receipt, voucher, assignment, or other document, record, file, or paper, prepared, fitted, or intended to be used or presented in order to procure the payment of money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, whether the same has or has not already been so used or presented, and whether such claim, account, or demand, or any part thereof, has or has not already been allowed or paid; or whoever shall present, use, or attempt to use, any such document, record, file, or paper so taken and carried away, in order to procure the payment of any money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

SEC. 46. Whoever shall rob another of any kind or description of personal property belonging to the United States, or shall feloniously take and carry away the same, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

SEC. 47. Whoever shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

SEC. 48. Whoever shall receive, conceal, or aid in concealing, or shall have or retain in his possession with intent to convert to his own use or gain, any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, which has theretofore been embezzled, stolen, or purloined by any other person, knowing the same to have been so embezzled, stolen, or purloined, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both; and such person may be tried either before or after the conviction of the principal offender.

SEC. 70. Whoever, being a consul, or vice consul, or other person employed in the consular service of the United States, shall knowingly certify falsely to any invoice, or other paper, to which his certificate is by law authorized or required, shall be fined not more than ten thousand dollars and imprisoned not more than three years.

SEC. 73. Whoever shall falsely make, alter, forge, or counterfeit any military bounty-land warrant, or military bounty-land warrant certificate, issued or purporting to have been issued by the Commissioner of Pensions under any law of Congress, or any certificate or duplicate certificate of location of any military bounty-land warrant, or military bounty-land warrant certificate upon any of the lands of the United States, or any certificate or duplicate certificate of the purchase of any of the lands of the United States, or any receipt or duplicate receipt for the purchase money of any of the lands of the United States, issued or purporting to have been issued by the register and receiver at any land office of the United States or by either of them; or whoever shall utter, publish, or pass as true, any such false, forged, or counterfeited military bounty-land warrant, military bounty-land warrant certificate, certificate or duplicate certificate of location, certificate or duplicate certificate of purchase, receipt or duplicate receipt for the purchase money of any of the lands of the United States, knowing the same to be false, forged, or counterfeited, shall be imprisoned not more than ten years.

SEC. 85. Every officer, clerk, agent, or employee of the United States, and every person representing himself to be or assuming to act as such officer, clerk, agent, or employee, who, under color of his office, clerkship, agency, or employment, or under color of his pretended or assumed office, clerkship, agency, or employment, is guilty of extortion, and every person who shall attempt any act which if performed would make him guilty of extortion, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.

SEC. 86. Whoever, being an officer, clerk, agent, employee, or other person charged with the payment of any appropriation made by Congress, shall pay to any clerk or other employee of the United States a sum less than that provided by law, and require such employee to receipt or give a voucher for an amount greater than that actually paid to and received by him, is guilty of embezzlement, and shall be fined in double the amount so withheld from any employee of the Government and imprisoned not more than two years.

SEC. 90. Every officer or agent of the United States who, having received public money which he is not authorized to retain as salary, pay, or emolument, fails to render his accounts for the same as provided by law shall be deemed guilty of embezzlement, and shall be fined in a sum equal to the amount of the money embezzled and imprisoned not more than ten years.

SEC. 94. The refusal of any person, whether in or out of office, charged with the safe-keeping, transfer, or disbursement of the public money to pay any draft, order, or warrant, drawn upon him by the proper accounting officer of the Treasury, for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received, or may be held, or to transfer or disburse any such money, promptly, upon the legal

requirement of any authorized officer, shall be deemed, upon the trial of any indictment against such person for embezzlement, prima facie evidence of such embezzlement.

SEC. 95. If any officer charged with the disbursement of the public moneys accepts, receives, or transmits to the Treasury Department to be allowed in his favor any receipt or voucher from a creditor of the United States without having paid to such creditor in such funds as the officer received for disbursement, or in such funds as he may be authorized by law to take in exchange, the full amount specified in such receipt or voucher, every such act is an act of conversion by such officer to his own use of the amount specified in such receipt or voucher.

SEC. 106. Whoever, being a public officer or other person authorized by any law of the United States to make or give a certificate or other writing, shall knowingly make and deliver as true such a certificate or writing, containing any statement which he knows to be false, in a case where the punishment thereof is not elsewhere expressly provided by law, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both.

SEC. 109. Whoever, being an officer of the United States, or a person holding any place of trust or profit, or discharging any official function under, or in connection with, any Executive Department of the Government of the United States, or under the Senate or House of Representatives of the United States, shall act as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, shall aid or assist in the prosecution or support of any such claim, or receive any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall be fined not more than five thousand dollars, or imprisoned not more than one year, or both.

SEC. 110. Whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, directly or indirectly, ask, accept, receive, or agree to receive, any money, property, or other valuable consideration, or any promise, contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value to him or to any person with his consent, connivance, or concurrence, for his attention to, or services, or with the intent to have his action, vote, or decision influenced, on any question, matter, cause, or proceeding, which may at any time be pending in either House of Congress or before any committee thereof, or which by law or under the Constitution may be brought before him in his official capacity, or in his place as such Member, Delegate, or Resident Commissioner, shall be fined not more than three times the amount asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place, and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.

SEC. 111. Whoever shall promise, offer, or give, or cause to be promised, offered, or given, any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value, to any Member of either House of Congress, or Delegate to Congress, or Resident Commissioner, after his election or appointment and either before or after he has qualified, and during his continuance in office, or to any person with his consent, connivance, or concurrence, with intent to influence his action, vote, or decision, on any question, matter, cause, or proceeding which may at any time be pending in either House of Congress, or before any committee thereof, or which by law or under the Constitution may be brought before him in his official capacity or in his place as such Member, Delegate, or Resident Commissioner, shall be fined not more than three times the amount of money or value of the thing so promised, offered, given, made, or tendered, and imprisoned not more than three years.

SEC. 112. Whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, or being an officer or agent of the United States, shall directly or indirectly take, receive, or agree to receive, from any person, any money, property, or other valuable consideration whatever, for procuring, or aiding to procure, any contract, appointive office, or place, from the United States or from any officer or department thereof, for any person whatever, or for giving any such contract, appointive office, or place to any person whomsoever; or whoever, directly or indirectly, shall offer, or agree to give, or shall give, or bestow, any money, property, or other valuable consideration whatever, for the procuring, or aiding to procure, any such contract, appointive office, or place, shall be fined not more than ten thousand dollars and imprisoned not more than two years; and shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States. Any such contract or agreement may, at the option of the President, be declared void.

SEC. 113. Whoever, being elected or appointed a Senator, Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, or being the head of a department, or other officer or clerk in the employ of the United States, shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than ten thousand dollars and imprisoned not more than two years; and shall, moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States.

SEC. 117. Whoever, being an officer of the United States, or a person acting for or on behalf of the United States, in any official capacity, under or by virtue of the authority of any department or office of the Government thereof; or whoever, being an officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or of both Houses thereof, shall ask, accept, or receive any money, or any contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be fined not more than three times the amount of money or value of the thing so asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.

SEC. 125. Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall wilfully and contrary to such oath state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than two thousand dollars and imprisoned not more than five years.

SEC. 126. Whoever shall procure another to commit any perjury is guilty of subornation of perjury, and punishable as in the preceding section prescribed.

SEC. 128. Whoever shall willfully and unlawfully conceal, remove, mutilate, obliterate, or destroy, or attempt to conceal, remove, mutilate, obliterate, or destroy, or, with intent to conceal, remove, mutilate, obliterate, destroy, or steal, shall take and carry away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined not more than two thousand dollars, or imprisoned not more than three years, or both.

SEC. 129. Whoever, having the custody of any record, proceeding, map, book, document, paper, or other thing specified in the preceding section, shall willfully and unlawfully conceal, remove, mutilate, obliterate, falsify, or destroy any such record, proceeding, map, book, document, paper, or thing, shall be fined not more than two thousand dollars, or imprisoned not more than three years, or both; and shall moreover forfeit his office and be forever afterwards disqualified from holding any office under the Government of the United States.

SEC. 131. Whoever, directly or indirectly, shall give or offer, or cause to be given or offered, any money, property, or value of any kind, or any promise or agreement therefor, or any other bribe, to any judge, judicial officer, or other person authorized by any law of the

United States to hear or determine any question, matter, cause, proceeding, or controversy, with intent to influence his action, vote, opinion, or decision thereon, or because of any such action, vote, opinion, or decision, shall be fined not more than twenty thousand dollars, or imprisoned not more than fifteen years, or both; and shall forever be disqualified to hold any office of honor, trust, or profit under the United States.

SEC. 133. Whoever, being a juror, referee, arbitrator, appraiser, assessor, auditor, master, receiver, United States commissioner, or other person authorized by any law of the United States to hear or determine any question, matter, cause, controversy, or proceeding, shall ask, receive, or agree to receive, any money, property, or value of any kind, or any promise or agreement therefor, upon any agreement or understanding that his vote, opinion, action, judgment, or decision shall be influenced thereby, or because of any such vote, opinion, action, judgment, or decision, shall be fined not more than two thousand dollars, or imprisoned not more than two years, or both.

SEC. 134. Whoever, being, or about to be, a witness upon a trial, hearing, or other proceeding, before any court or any officer authorized by the laws of the United States to hear evidence or take testimony, shall receive, or agree or offer to receive, a bribe, upon any agreement or understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial, hearing, or other proceeding, or because of such testimony, or such absence, shall be fined not more than two thousand dollars, or imprisoned not more than two years, or both.

SEC. 145. Whoever shall, under a threat of informing, or as a consideration for not informing, against any violation of any law of the United States, demand or receive any money or other valuable thing, shall be fined not more than two thousand dollars, or imprisoned not more than one year, or both.

SEC. 146. Whoever, having knowledge of the actual commission of the crime of murder or other felony cognizable by the courts of the United States, conceals and does not as soon as may be disclose and make known the same to some one of the judges or other persons in civil or military authority under the United States, shall be fined not more than five hundred dollars, or imprisoned not more than three years, or both.

SEC. 148. Whoever, with intent to defraud, shall falsely make, forge, counterfeit, or alter any obligation or other security of the United States shall be fined not more than five thousand dollars and imprisoned not more than fifteen years.

SEC. 151. Whoever, with intent to defraud, shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or shall bring into the United States or any place subject to the jurisdiction thereof, with intent to pass, publish, utter, or sell, or shall keep in possession or conceal with like intent, any falsely made, forged, counterfeited, or altered obligation or other security of the United States, shall be fined not more than five thousand dollars and imprisoned not more than fifteen years.

SEC. 154. Whoever shall buy, sell, exchange, transfer, receive, or deliver, any false, forged, counterfeited, or altered obligation or other

security of the United States, or circulating note of any banking association organized or acting under the laws thereof, which has been or may hereafter be issued by virtue of any act of Congress, with the intent that the same be passed, published, or used as true and genuine, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

SEC. 172. All counterfeits of any obligation or other security of the United States or of any foreign government, or counterfeits of any of the coins of the United States or of any foreign government, and all material or apparatus fitted or intended to be used, or that shall have been used, in the making of any such counterfeit obligation or other security or coins hereinbefore mentioned, that shall be found in the possession of any person without authority from the Secretary of the Treasury or other proper officer to have the same, shall be taken possession of by any authorized agent of the Treasury Department and forfeited to the United States, and disposed of in any manner the Secretary of the Treasury may direct. Whoever having the custody or control of any such counterfeits, material, or apparatus shall fail or refuse to surrender possession thereof upon request by any such authorized agent of the Treasury Department, shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both.

SEC. 332. Whoever directly commits any act constituting an offense defined in any law of the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal.

SEC. 333. Whoever, except as otherwise expressly provided by law, being an accessory after the fact to the commission of any offense defined in any law of the United States, shall be imprisoned not exceeding one-half the longest term of imprisonment, or fined not exceeding one-half the largest fine prescribed for the punishment of the principal, or both, if the principal is punishable by both fine and imprisonment; or if the principal is punishable by death, then an accessory shall be imprisoned not more than ten years.

SEC. 335. All offenses which may be punished by death, or imprisonment for a term exceeding one year, shall be deemed felonies. All other offenses shall be deemed misdemeanors.

GOVERNMENT EMPLOYEES; FALSE RECORDS.

ACT MARCH 4, 1911 (36 STAT L., 1355).

That whoever, being an officer, clerk, agent, or other person holding any office or employment under the Government of the United States and, being charged with the duty of keeping accounts or records of any kind, shall, with intent to deceive, mislead, injure, or defraud the United States or any person, make in any such account or record any false or fictitious entry or record of any matter relating to or connected with his duties, or whoever with like intent shall aid or abet any such officer, clerk, agent, or other person in so doing; or whoever, being an officer, clerk, agent, or other person holding any office or employment under the Government of the United States and, being charged with the duty of receiving, holding, or paying over moneys or securities to, for, or on behalf of the United States, or of receiving or holding in trust for any person any moneys or securities,

shall, with like intent, make a false report of such moneys or securities, or whoever with like intent shall aid or abet any such officer, clerk, agent, or other person in so doing, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both.

FORGING INDORSEMENT, UTTERING, ETC.

ACT AUGUST 17, 1912 (37 STAT. L., 313).

SEC. 4. That whoever shall forge the indorsement of the person to whose order any pension check shall be drawn, or whoever with the knowledge that such indorsement is forged shall utter such check, or whoever, by falsely personating such person, shall receive from any person, firm, corporation, or officer or employee of the United States the whole or any portion of the amount represented by such check, shall upon conviction be punished by a fine of not more than one thousand dollars or be imprisoned not more than five years or both.

CHAPTER XI.

INFORMATION RELATING TO ARMY AND NAVY PENSIONS.[1]

ADDRESSES OF PENSIONERS OR CLAIMANTS FOR PENSION.

216. (*a*) Pensioners and claimants for pension desiring their mail sent to cities or towns with a population of 5,000 or more having free mail delivery must give their post-office addresses, their street and number, number of post-office box, rural free delivery route, or "general delivery," as the case may be. "General delivery" addresses shall be acepted only in case it be shown that no other address such as above specified is available.

(*b*) Addresses in care of another person shall not be accepted for the transmission of pension certificates or anything of value, or which might be appropriated or wrongfully used by another person, nor shall any communication be mailed to a claimant for pension or increase at a street and number, or post-office box address which is the same as that of the attorney prosecuting the claim.

217. Where it is shown that a pensioner or claimant has resided for a number of years at the address given in his application, or has more recently answered communications addressed to him in which street number, post-office box, or rural free delivery route was not used, it may be assumed that another address is not available.

GUARDIANSHIP.

264. Every guardian, or other person receiving pension in a fiduciary capacity, must biennially file in the bureau a certificate of the court to which such fiduciary is accountable, showing that he has accounted to the court, as required by law, and that the account has been approved or that the requirement for accounting has been waived by the court, if such is the fact. Blank form of certificate shall be furnished each guardian or committee and must be used by him. In case of failure to file such certificate, payment on the voucher with which it is required, and all subsequent payments, shall be withheld pending the receipt thereof.

INSPECTION OF PAPERS.

284. The examination of papers relating to claims for pension or bounty land, by attorneys, counsel, or agents, shall not extend to

[1] The sections in this chapter consist of excerpts from an office publication not available for general distribution, and the numbers of sections correspond with the numbers of sections in that publication.

reports from the governmental departments and bureaus, confidential communications, or reports of special examiners relating to criminal charges and investigations.

285. (*a*) The act of July 18, 1894, which permits the examination and inspection of reports of examining surgeons by the claimant or his attorney, under such reasonable rules and regulations as the Secretary of the Interior may provide, must be complied with in such manner as will afford all proper information to claimants and their attorneys in all pending claims, and at the same time interfere as little as may be with the work of the bureau.

(*b*). No one but the claimant in person and his recognized attorney in the claim, or said attorney's subagent, including the confidential clerk (duly accredited) of each, shall be permitted to examine the reports of examining surgeons filed in the claim, and such examination shall be made subject to the rules of the Pension Bureau in respect to the calling up and examination of cases by attorneys.

(*c*) Said act of Congress does not permit the copying of such reports or any portion thereof. No person shall be permitted to take copies or make memoranda from such reports.

286. No examination of reports of examining surgeons shall be permitted in admitted cases wherein there is no claim pending.

287. No examination of such reports shall be permitted in rejected cases, after the lapse of three months from the date of rejection, until the claim has been regularly reopened according to the practice of the bureau, or unless an appeal from the decision is pending.

288. No one except the clerk in charge will be permitted to examine any certificate of disability for discharge, report of medical survey, or certificate of death in the Navy before the same shall have been applied to a pending claim, except upon the order of the commissioner, deputy commissioner, or chief clerk, or upon the written request of the Chief of the Law Division or the Chief of the Special Examination Division.

RETURN OF PAPERS.

319. Certificates of discharge, marriage certificates, family records, personal letters, diaries, bills and receipts, and other personal papers or articles which may have been filed in claims for pensions, may, in the discretion of the commissioner, be returned through the Law Division upon request of the persons entitled thereto, and whenever papers so returned constitute part of the material and essential evidence in a claim, photostats or other copies of the same, or of so much thereof as may appear to possess evidential value, shall be placed in the case.

DECLARATIONS AND EVIDENCE.

416. All declarations and affidavits must be executed before some officer duly authorized to administer oaths for general purposes, in accordance with the provisions of the act of Congress approved July 26, 1892.[1]

417. Blank forms of declarations shall be furnished to claimants upon application therefor. They shall not be furnished to agents or attorneys, but sample forms shall be sent on request.

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[1] See note 5, p. 160.

418. A claimant under any law may prosecute his claim in person, or by attorney under certain laws, and his claim shall receive the same consideration by the Bureau of Pensions if prosecuted in person as if by attorney.

PENSIONS TO SURVIVORS OF WARS PRIOR TO 1861, AND TO THEIR WIDOWS.

419. *War of the Revolution, service pensions.*—(*a*) Widows of soldiers who served for 14 days or more, or were in battle during the war, were entitled, provided they had not remarried, to $8 per month from March 9, 1878, and $12 per month from March 19, 1886. (*b*) The widow of a Revolutionary soldier who, in his lifetime, was granted a pension, was entitled, under section 4743, Revised Statutes, to pension at the same rate as was paid the husband, notwithstanding remarriage, upon proof of widowhood. (*c*) There is no law granting pension to the daughters or other descendants of soldiers of the Revolution. Any daughters of Revolutionary soldiers who received pensions were placed on the pension roll by special acts of Congress.

420. *War of 1812, service pensions.*—(*a*) Under the act of March 9, 1878, soldiers and sailors who served 14 days or more, or were in any engagement, during this war, and were honorably discharged, and the widows of such soldiers and sailors, irrespective of the date of marriage, are entitled to $8 per month from March 9, 1878. Under the act of March 19, 1886, widow pensioners mentioned in this paragraph are entitled to $12 per month from that date. (*b*) There is no law granting service pensions to the descendants of soldiers or sailors of the War of 1812.

421. *Indian wars from 1832 to 1842, service pensions.*—The act of July 27, 1892, provides pensions for the surviving officers and enlisted men, including marines, militia, and volunteers, who were in the military or naval service of the United States for 30 days in the Black Hawk War, the Creek War, the Cherokee disturbances, or the Florida War with the Seminole Indians, and were honorably discharged; or who were personally named in any resolution of Congress for specific services therein; and for their widows, provided they have not remarried. Claimants under this act must be actual and bona fide residents of the United States at the date of making application. All pensions under this act are fixed at $8 per month, irrespective of rank, and are payable from July 27, 1892, or, in widows' cases, where the soldier died subsequent to July 27, 1892, from the date of his death. The rate for widows is increased to $12 by the act of April 19, 1908, and the rate for survivors to $20 by the act of February 19, 1913.

422. *Indian wars from 1817 to 1858.*—The provisions of the foregoing act of July 27, 1892, were extended by the act of June 27, 1902, from the date of its passage, to the surviving officers and enlisted men, including marines, militia, and volunteers of the military and naval service of the United States who served for 30 days or more and were honorably discharged under the United States military, State, Territorial, or provisional authorities in certain specified Indian wars occurring from 1817 to 1858. This act also made provision for the surviving widows of such officers and men who have not remarried. In establishing these claims a record of pay by the United States is accepted to prove record of enlistment and service.

423. *Indian wars, etc., from 1855 to 1860.*—The provisions of the foregoing act of July 27, 1892, were extended by the act of May 30, 1908, to the surviving officers and enlisted men of the Texas volunteers who served in the defense of the frontier of that State against Mexican marauders and Indian depredations from the year 1855 to the year 1860, inclusive, and to the surviving widows of such officers and men who have not remarried. In establishing these claims, where there is no record of enlistment or muster into the service of the United States, the fact of reimbursement to the State of Texas by the United States, as evidenced by the muster rolls and vouchers on file in the bureau, shall be accepted as full and satisfactory proof of such enlistment and service.

424. *Mexican War, service pensions.*—(*a*) Under the act of January 29, 1887, officers and enlisted men who were in the military or naval service of the United States for 60 days in the Mexican War, or on the coasts or frontier thereof, or en route thereto, or who were in a battle and were honorably discharged, or who were personally named in any resolution of Congress for specific services therein, are entitled to pension if 62 years of age; or, if not, upon proof of pensionable disability or dependence, but disability incurred while voluntarily aiding or abetting the late rebellion does not give title to pension. (*b*) Widows of officers and enlisted men who served as above are entitled to pension upon the same conditions as to age or dependence as apply to officers and enlisted men. (*c*) Pensions under this act commence on January 29, 1887, if a pensionable condition existed at that date, in survivors' claims, by reason of age, dependence, or disability, and in widows' claims, by reason of age or dependence; if not, then on the date the applicant becomes 62 years of age, or dependent, or disabled within the meaning of the law. (*d*) The rate of pension to survivors is $8 per month, irrespective of rank. This rate for survivors was increased by the act of January 5, 1893, to $12 per month, but its benefits were limited to those who were pensioners on January 5, 1893. To secure this increase the act requires that a pensioner must show that he is wholly disabled for manual labor and in such destitute circumstances that $8 per month is a sum insufficient to provide him with the necessaries of life. The act of April 23, 1900, removed the limitation imposed in the act of January 5, 1893. The act of March 3, 1903, pensions all survivors of the Mexican War at $12 per month, irrespective of the conditions named in the act of January 5, 1893, and the act of April 23, 1900. (*e*) The pension to a widow under this act is $8 per month, but the act of April 19, 1908, establishes a minimum rate of $12 per month for all pensions granted to widows. (*f*) Descendants of deceased Mexican War soldiers are not entitled to service pension.

425. *Act of February 6, 1907.*—Under this act any person who served 60 days in the War with Mexico in the military or naval service of the United States and has been honorably discharged therefrom, and who has reached the age of 62 years or over, is entitled to a pension at the following rates, irrespective of rank: At 62 years, $12 per month; at 70 years, $15 per month; and at 75 years or over, $20 per month. Pension commences from the date of filing claim in the Bureau of Pensions subsequent to February 6, 1907, after attaining the specified age.

426. *Act of May 11, 1912.*—This act provides that any person who served 60 days or more in the War with Mexico and has been honorably discharged therefrom shall receive a pension of $30 per month.

427. *Pensions for disability or death due to service prior to March 4, 1861.*—(*a*) Soldiers who were wounded or injured, or who contracted disease in the line of duty, are entitled to pension corresponding in rate to the degree of the disability incurred in the service. Persons who rendered naval service are entitled to a like pension, under the same conditions, excepting that no pension may be granted to an engineer, fireman, or coalheaver for disability incurred prior to August 31, 1842. (*b*) The widows, or children under 16 years of age, of soldiers who served prior to March 4, 1861, are entitled to pension, if the soldier's death was due to causes originating in time of actual war, and not otherwise. Widows, or children under 16, of sailors who served prior to March 4, 1861, are entitled to pension only when the death of the sailor occurred in the service and in the line of duty. (*c*) Pensions mentioned in this paragraph, if not applied for within three years from the discharge or death of the person on whose account the right to pension exists, or within three years of the termination of a pension previously granted on account of the service and death of such person, commence from the date of filing by the person prosecuting the claim the last paper necessary to establish the same. (*d*) The rate of pension allowed to one whose pensionable rights accrued prior to March 4, 1861, is subject to variation, after July 25, 1866, in accordance with the laws passed since March 4, 1861. (*e*) There is no provision of law granting pensions to the parents, brothers, or sisters of persons who rendered military or naval service prior to March 4, 1861.

PENSIONS TO INVALIDS SINCE MARCH 4, 1861.

428. *Sections 4692 and 4693, Revised Statutes.*—The declarations should set forth the company and regiment in which the applicant served, the name of the commanding officer of the company or organization, and the dates of enlistment and discharge, with personal description at enlistment. In Navy cases, the vessels on which claimant served should be stated. If the claim is made on account of a wound or injury, the declaration should set forth the nature and locality of the wound or injury, the time when, the place where, and the circumstances under which it was received, and the duty upon which the applicant was engaged.

If the wound or injury was accidental, the applicant should state whether it happened through his own agency, or that of other persons, and he should detail minutely the circumstances under which it was received.

If the claim is made on account of disability from disease, the applicant should state in said declaration when the disease first appeared, the place where he was when it appeared, and the duty upon which he was engaged at the time. He should also detail the circumstances of exposure, and the causes which, in his opinion, produced the disease. Whether the application be made on account of disability from wound, injury, or disease, the claimant should

state the names, addresses, and localities of all hospitals in which he received medical or surgical treatment, giving the dates of his admission thereto, as correctly as he may be able.

429. The applicant should state in the declaration each and every permanent disability which he claims he contracted in the service in line of duty, and should also state definitely that the disabilities named are the only disabilities so contracted. If such statement be not embodied in the declaration, the applicant shall be required to make it in a supplemental affidavit; and this requirement shall apply to claims heretofore made and now pending.

The applicant should state his post-office address, including street and number, or rural free delivery route, if any.

430. In declarations for original invalid pensions under sections 4692 and 4693, Revised Statutes, the signature of the applicant should be witnessed by the signatures of two competent, credible witnesses, who should appear with him before the officer whose jurat is attached to the declaration.

EVIDENCE REQUIRED IN A CLAIM FOR INVALID PENSION.

431. After the receipt of an application for pension a call shall be made, in Army cases, upon The Adjutant General for the full military and medical history of the applicant, as shown by the records of the War Department. In Navy cases, calls for such evidence shall be made upon the proper bureaus of the Navy Department.

432. Since the consolidation of the records on file in the War Department in February, 1889, it is often practicable to obtain additional information relating to a soldier's service and hospital treatment, and when the report heretofore furnished by the War Department was made prior to said consolidation of the records another call should be made on the War Department for a military and medical history of the soldier, returning the reports now on file.

433. When the records of the War or Navy Department do not furnish satisfactory evidence that the disability on account of which the claim is made originated in the service of the United States, and in the line of duty, the claimant shall be required to furnish such evidence in accordance with the instructions hereinafter given, and compliance with such requirement must be full and definite.

434. "*Line of duty*" is a technical phrase, which is defined in the administration of the pension laws as that relation which a soldier or sailor sustains to the military or naval service of the United States when performing an act connected with any of the possible conditions or requirements of the service, or in the observance of the proper orders of his superiors, not in violation of the Army or Navy regulations.

435. If the disability resulted from a wound or injury, the nature and location of the wound or injury, the time when, the place where, and the manner in which it was received, whether in battle or otherwise, should be shown by the evidence of some one who was a commissioned officer and had personal knowledge of the facts.

436. If the person called upon to give evidence is still in the service as a commissioned officer, his certificate shall be accepted in lieu of his affidavit. If there is no record of the disability claimed, the applicant

shall be called upon to furnish the testimony of the surgeon by whom he was treated, showing the location and nature of the wound or injury and the circumstances under which it was received.

437. If the disability arose from disease, the testimony of the medical officer who treated the applicant in service should be furnished, if possible, showing the name and nature of the disease, the time when, the place where it was contracted, and the circumstances of exposure to the causes which, in his opinion, produced the same; and he should state whether, in his opinion, the habits of the applicant were contributory to the origin or development of the disease.

438. In any claim, whether based on wound, injury, or disease, if it be shown that the testimony of a surgeon, assistant surgeon, or other commissioned officer can not be produced as evidence of the origin of the disability alleged, the testimony of other persons having personal knowledge of the facts shall be considered.

439. In a claim on account of disability from disease the applicant must furnish the testimony of each physician who has attended him since the date of discharge, explicitly setting forth the history of the disease and the disability since its first appearance. It is especially important that the physician who first attended the applicant after his discharge state the date at which the attendance commenced. If it should not be possible for the applicant to show the condition of his health during the whole period since the date of his discharge by the testimony of physicians, the cause of his inability to do so should be stated by him, under oath. The testimony of other persons on this point may then be presented. Statements of witnesses in regard to the manner in which the applicant was affected should be full and definite and should show how such witnesses obtained a knowledge of the facts to which they testify.

440. The act of March 3, 1885, provides that all applicants for pensions shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted. It has been held that after six months' continuous service immediately following enlistment uninterrupted by the incurrence of any pensionable disability, diseases contracted thereafter shall be accepted as due to the service upon record evidence alone. If there is a record of the alleged disease soon after the soldier's enlistment, and the evidence raises a doubt as to its origin in the service, the questions of prior soundness and origin should be determined by special examination, but all the surroundings of the case should be carefully considered before this course is taken.

441. Injuries are not accepted as established merely on a record of treatment for same in service, for the reason that they may or may not have been received in line of duty. There is no class of claims which should be more carefully guarded than those for injuries and the evidence produced to show origin thereof in service and line of duty should always be based upon actual personal knowledge of the nature and extent of the injury, as well as the circumstances under which such injury was received, in order that the bureau may be able to determine the question of origin in the line of duty.

442. *Act of June 27, 1890, as amended by act of May 9, 1900.*—Any officer, soldier, sailor, or marine who served 90 days or more in the military or naval service of the United States during the late War

of the Rebellion, who has been honorably discharged therefrom, and who is suffering from disability of a permanent character, not the result of his own vicious habits, which incapacitates him from the performance of manual labor in such a degree as to render him unable to earn a support, is entitled to a pension under this act of not less than $6 nor more than $12 per month.

443. The act of May 9, 1900, amending the act of June 27, 1890, provides that, in determining inability to earn a support, each and every infirmity shall be considered, and the aggregate of the disabilities shown be rated. These acts require an honorable discharge from each and every term of service rendered during the War of the Rebellion. A modification of this requirement has resulted, by reason of the provisions of section 2 of the joint resolution of July 1, 1902, as amended by the joint resolution of June 28, 1906. As the law now stands the honorable discharge of any soldier or sailor from any subsequent contract of service entered into by him during the late War of the Rebellion is regarded as an honorable discharge from all previous contracts of service previously entered into by him with the United States during the said war, if the service under such subsequent contract was for not less than six months, and was faithful, and if he had not received by reason of the subsequent service any bounty or gratuity other than from the United States in excess of that to which he would have been entitled if he had continued to serve faithfully until honorably discharged under any contract of service previously entered into by him during the War of the Rebellion. The limitation of section 4716, Revised Statutes, operated against claimants under these acts until July 1, 1902, the date of the passage of the joint resolution above referred to, the first section of which removed the limitation as to disloyalty, except as to those who enlisted in the Army or Navy of the United States after January 1, 1865.

444. *Acts of February 6, 1907, and March 4, 1907.*—By the terms of these acts any person who served 90 days or more in the military or naval service of the United States during the late Civil War, and who has been honorably discharged therefrom, is entitled to a pension at the following rates, irrespective of rank: At 62 years of age, $12 per month; 70 years of age, $15 per month; 75 years or over, $20 per month. Pension commences from the date of filing claim in the Bureau of Pensions, subsequent to February 6, 1907, after attaining the specified age.

The bases of title under these acts, except as herein otherwise stated, are the same as under the act of June 27, 1890, as amended by the act of May 9, 1900.

445. *Act of May 11, 1912.*—By the terms of this act any person who served 90 days or more in the military or naval service of the United States during the late Civil War, and who has been honorably discharged therefrom, is entitled to a pension at various rates, irrespective of rank, based upon age and length of service, as follows:

Age.	90 days.	6 months.	1 year.	1½ years.	2 years.	2½ years.	3 years.
62	$13	$13.50	$14	$14.50	$15	$15.50	$16
66	15	15.50	16	16.50	17	18.00	19
70	18	19.00	20	21.50	23	24.00	25
75	21	22.50	24	27.00	30	30.00	30

446. If a soldier was wounded in battle or in line of duty and received an honorable discharge, and is now unfit for manual labor by reason thereof; or, from disease or other causes incurred in line of duty, resulting in his disability, is now unable to perform manual labor, he shall be paid the maximum pension under this act without regard to length of service or age.

447. Pensions under act of May 11, 1912, commence from the date of filing of the applications in the Bureau of Pensions.

448. *Act of March 4, 1913.*—Under the terms of this act, increase of pension under the act of May 11, 1912, on account of advancing age shall be made without further application by pensioner, and shall take effect and commence from the date he is shown to have attained the age provided by this act as the basis of rating.

In considering claims under this act, an examiner is not prevented from making such further investigation as to date of birth as is deemed necessary in order to establish a record upon which further increases of rate on account of advancing age may be possible, the object being to advance automatically the rate of pension.

449. *Claims for increase of invalid pensions.*—A pensioner who may deem himself entitled to an increase of pension should file a declaration setting forth the grounds upon which he bases his claim. Upon the receipt of such claim, the same shall be taken up to determine the propriety of ordering a medical examination.

450. *Claims for restoration and renewal of pension.*—In cases of unclaimed pensions (sec. 4719, R. S.) there must be filed evidence specifically accounting for the failure to claim the pension, and, in the case of invalids, medical evidence showing the continuance of the disability on account of which pension was allowed.

Application for renewal of pension must be made by a declaration executed as in original claims, setting forth that the cause for which pension was granted still continues.

NAVY SERVICE ALLOWANCES.

451. Under sections 4756 and 4757, Revised Statutes, pensions for 20 years' service and for 10 years' service, respectively, are allowed by the Secretary of the Navy to enlisted men and appointed petty officers who have not been discharged for misconduct. Pension commences from the date of filing the claim therefor in the Navy Department; and for 20 years' service amounts to one-half the monthly pay of the applicant's rating at his discharge; for 10 years' service the pension can not exceed the rate for total disability or one-fourth of the rate of pension he is receiving for disability, and is fixed, as is also its duration, by the Navy Department. An application for pension under the sections referred to should be made to the Secretary of the Navy.

PENSIONS TO WIDOWS SINCE MARCH 4, 1861.

452. *Sections 4702 and 4703, Revised Statutes.*—To obtain pension under these sections it must be shown that the soldier or sailor died of a disability contracted in the service and in the line of duty. The date, place, and cause of death of the soldier or sailor through whom the pension is claimed should be shown by a verified transcript of

the public record. When the public record is indefinite as to the cause of death, and when it is necessary to show the pathological connection between the death cause as shown in the record and the disability as proven of service origin, the testimony of the attending physician should be filed, giving a full history of the soldier's fatal illness and the mode and manner of death; but when this is impossible the testimony of other persons who are acquainted with the circumstances may be furnished.

453. *Proof of marriage.*—The marriage of the applicant to the person on account of whose service and death the claim is made should be shown by the best obtainable evidence in the following order—

(1) By a duly verified copy of a public or church record; or

(2) By the affidavit of the clergyman or magistrate who officiated; or

(3) By the testimony of two or more eyewitnesses to the ceremony; or

(4) By the testimony of two or more witnesses who know that the parties lived together as husband and wife and were recognized as such, and who shall state how long, within their knowledge, such cohabitation continued; or

(5) By a duly verified copy of the church record of baptism of the children.

The highest evidence obtainable in the order of preference above stated shall be required. Inability to furnish the higher kind of evidence must be clearly shown before the next lower kind is admissible.

454. Section 2, of the act of August 7, 1882, provides:

> That marriages, except such as are mentioned in section 4705, of the Revised Statutes, shall be proven in pension cases to be legal marriages according to the law of the place where the parties resided at the time of marriage or at the time when the right to pension accrued.

455. Section 4705, Revised Statutes, provides that in the claims of the widows and children of colored and Indian soldiers and sailors based on death due to disabilities incurred in service in line of duty there need be no other evidence of marriage than satisfactory proof that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as husband and wife, and were so recognized by their neighbors, and lived together as such up to the date of enlistment, when such soldier or sailor died in the service, or, if otherwise, to the date of his death. This section shall not apply to claims on account of persons who enlisted after March 3, 1873.

456. If either applicant or soldier has been previously married, the death or divorce of all former consorts should be proven, in the case of death, preferably by verified copy of the public or church record or by the testimony of credible witnesses; and in the case of divorce, by certified copy of the decree of court. If there was no prior marriage on the part of the applicant or the soldier, this fact should be shown by the testimony of at least two credible witnesses who have known the applicant and the soldier from the time they became of marriageable age.

457. In the claim of a widow, competent testimony should be produced showing whether she and the soldier were ever divorced, and

whether they lived together as husband and wife up to the date of the soldier's death. If for any reason they were not living together at the time of his death, but their separation was by mutual agreement or otherwise and not by legal divorce, all the facts relating to such separation should be fully produced, in order that her rights may be fully and clearly determined.

458. Under the act of March 3, 1899, a widow who did not marry the soldier prior to the date of the act, or prior to or during his service, has no title to widow's pension unless it be shown that she lived and cohabited with him continuously from the date of marriage to the date of his death. The widows of Spanish War soldiers are excepted from the operation of this act.

459. *Proof of dates of birth of children.*—The dates of birth of children should be proved by the best obtainable evidence in the following order—

(1) By a duly verified copy of the public record of births, or the church record of baptism; or

(2) By the affidavit of the physician who attended the mother; or

(3) By the testimony of persons who were present at the births, who should state how they are now able to fix the precise dates.

(4) Where the evidence called for in the preceding paragraphs can not be obtained, the best obtainable evidence should be furnished in order to enable the bureau to approximate the dates of birth. It is worthy of note that the records of the Census Bureau not infrequently afford information on this point.

Inability to furnish the higher kind of evidence must be clearly shown before the next lower kind is admissible.

If any child of the person on whose account the claim is made died after the date at which the widow's pension would commence, the date of death must be shown.

460. Children born before the marriage of their parents, if acknowledged by the father before or after marriage, shall be deemed legitimate.

461. The additional pension granted to the widow on account of the minor children of the soldier by a former wife can be paid her only for such period of her widowhood as she has been or shall be charged with the maintenance of such children.

462. *Act of June 27, 1890, as amended by act of May 9, 1900.*—Pensions under these acts are granted to widows upon proof—

(1) That the soldier or sailor served at least 90 days during the War of the Rebellion.

(2) That he was honorably discharged.

(3) That he is dead, but his death need not have been the result of his Army or Navy service. Under the act of March 13, 1896, his death may be presumed after seven years unexplained absence.

(4) That the widow is without means of support other than her daily labor and such actual net income as is provided by the act of May 9, 1900.

(5) That she married the soldier or sailor prior to June 27, 1890.

463. *Act of April 19, 1908.*—Pensions under this act are granted to widows upon proof—

(1) That the soldier or sailor served at least 90 days during the Civil War.

(2) That he was honorably discharged.

(3) That he is dead, but his death need not have been the result of his Army or Navy service. Under the act of March 13, 1896, his death may be presumed after seven years unexplained absence.

(4) That she was married to the soldier or sailor prior to June 27, 1890.

464. In widows' claims under the act of June 27, 1890, as amended, or under the act of April 19, 1908, the provisions of the joint resolution of July 1, 1902, and amendments, apply the same as in invalid claims.

PENSIONS TO MINORS SINCE MARCH 4, 1861.

465. *Sections 4702 and 4703, Revised Statutes.*—To obtain title to pension under these sections it must be shown that the father of the minor children died of a disability contracted in the service and in the line of duty; and, in addition, proof must be furnished as follows:

(1) The cause and date of the father's death, the marriage of the parents, and the dates of birth of the children must be established as in widows' claims. When, however, satisfactory proof upon these points has been furnished in the claim of the widow, it will not again be required in the claim on behalf of the minors.

(2) If the mother of the children is dead, the date of her death must be proved. If she remarried, her remarriage must be shown in the same manner that her marriage to the father of the children is required to be established. If the claim is based on the fact that the widow has abandoned the care of the children, or that she is an unsuitable person, by reason of immoral conduct, to have the custody of them, and such fact be duly certified under seal, by any court having probate jurisdiction, or be shown by satisfactory evidence, the children are given a pensionable status by section 4706, Revised Statutes, to the exclusion of the widow, until they severally attain the age of 16 years, to commence from the date of last payment to the widow, if she be a pensioner, and if not, from the date on which her pensionable rights accrued.

(3) If the mother of the children died before the father, it must be shown whether he again married.

(4) It must be shown whether the father left any other pensionable child than the minors for whose benefit the claim is made, and, if so, why such child was not mentioned in the application. In minors' claims pension can not be allowed on account of a child who died prior to the allowance of the claim.

466. *Act of June 27, 1890, as amended by act of May 9, 1900.*—Minor children have title under these acts upon the death or remarriage of the widow of the soldier or sailor. Where, however, the widow was not married to the soldier or sailor prior to June 27, 1890, and his death cause did not originate in the service and in the line of duty; or where she has forfeited her title to pension by open and notorious adulterous cohabitation, or has been suspended under the provisions of section 4706, Revised Statutes, the minor takes title, even though the widow be alive and unmarried.

467. A minor's claim for pension may be made and prosecuted by the minor himself or by a next friend or guardian, but if the claim is allowed before his majority the payment of pension shall be made only to a duly appointed guardian.

PENSIONS TO HELPLESS CHILDREN.

468. The first proviso of the third section of the act of June 27, 1890, as amended by the act of May 9, 1900, continues the pension of a minor child who is insane, idotic, or otherwise physically or mentally helpless, after it becomes 16 years of age, during the life of said child, or during the period of such disability. The benefits of this proviso are extended to all pensions granted before June 27, 1890, or thereafter granted, under any statute. The pension allowed by the proviso commences from the date of the filing of the application therefor in the Bureau of Pensions. In order to obtain title, the helplessness of the child must have originated prior to attaining the age of 16 years, and have continued thereafter.

469. No helpless child of the soldier over 16 years of age at the date of death of the soldier has title to pension under these acts.

PENSIONS TO DEPENDENT RELATIVES.

470. *Section 4707, Revised Statutes.*—To obtain title to pension under this statute, it must be shown that the soldier or sailor died of a disability contracted in the service and in line of duty.

471. *Dependent mothers.*—In a mother's claim, her relationship to the soldier or sailor, the date and cause of the son's death, whether he left a widow or minor children surviving, and her dependence on him for support at the time of his death, must be shown.

472. In proof of dependence, it must be shown that previous to the date of the said son's decease her husband had died, or that he had permanently abandoned her, or that, on account of disability from injury or disease, he was unable to support her.

473. If the husband is dead, the date of his death must be proved. If he abandoned the support of his family, the date of the abandonment, and all the facts of the case, showing whether he ever returned, or ever afterwards contributed to the support of the claimant, must be fully set forth. If any person who is legally bound to contribute to the support of the mother claimant neglect or fail to do so, and the State or local laws afford a remedy, it should be shown whether the claimant has invoked the aid of such laws to compel support. If the father was disabled, the nature and cause of the disability, when, and to what extent, it rendered him unable to support the claimant, must be shown by the testimony of his physician. The extent of his disability during the period from the son's death to the present time should also be shown.

474. The value of the property of the claimant and her husband, the income derived therefrom, and the other means of support possessed by her while she was receiving the contributions of the son on account of whose service and death pension is claimed, and from that time to the present, should be shown by the testimony of credible and disinterested witnesses, who must state how they know the facts. The value of property assessed for taxation may be shown by the testimony of the officer having custody of the records relative thereto, who should also state the ratio of the assessed to the actual or cash value of such property.

475. It must be shown to what extent, for what period, and in what manner, her said son contributed to her support, by the testimony

of persons for whom the son labored, to whom he paid rent, of whom he purchased groceries, fuel, clothing, or other necessary articles for the mother's use, or of those who otherwise had a knowledge of the contributions of the son, and who must state how they obtained such knowledge. Any letter from the son, bearing upon the question of support, should be filed. If the son, in any other manner than by actual contributions, acknowledged his obligation to support his mother, or was, by law, bound to such support, the facts should be shown.

476. *Dependent fathers.*—In a father's claim for pension on account of the death of a legitimate son upon whom he was dependent for support, there must be proven—

(1) The cause of his son's death;

That said son left no widow or minor child surviving;

The cause and extent of claimant's disability during the period in which the son contributed to his support, and from that time to the present;

The amount of his property, and all other means of support possessed by him during that period, and the extent of his dependence upon his son for support.

The facts of the case, in each respect, should be shown by such testimony as is required in the claim of a mother.

(2) The date of the claimant's marriage to the mother of the soldier or sailor, the date of birth of the son, and the date of the death of said mother, must be proved.

In case the mother applied for pension, reference should be made to her application, and the number of the same, or of her certificate, should be given. Evidence upon any fact established in a mother's claim shall not again be required.

477. *Minor brothers and sisters.*—In a claim on behalf of minor brothers and sisters there must be proved—

The cause and date of death of the brother on whose account the claim is made;

His celibacy;

The dates of death of the mother and father, or death of the father and remarriage of the mother;

The dates of birth of the claimant and other dependents upon the brother for support.

If the mother or father applied for pension, the number of his or her application, or of his or her certificate, should be given.

Evidence upon any fact established in the claim of the mother or the father will not again be required.

In the administration of the pension laws no distinction is made between brothers and sisters of the half blood and those of the whole blood.

478. A minor brother or sister's claim for pension may be made and prosecuted by the minor or by next friend or guardian, but if the claim is allowed before his majority the payment of pension shall be made only to a duly appointed guardian.

479. *Act of June 27, 1890 (construed as amending sec. 4707, R. S., as to dependent parents).*—The same evidence is required in claims under this act as under section 4707, Revised Statutes, in its original form, except as to contributions by the soldier or sailor, and as to

date of dependence, which is changed from the date of the soldier's or sailor's death to the date of the filing of the application for pension under this law.

480. The rate of pension under section 4707, Revised Statutes, in its original form, and under section 1 of the act of June 27, 1890, is governed by the rank of the soldier or sailor on account of whose service and death pension may be claimed.

481. If the claim is prosecuted under section 4707, Revised Statutes, the attorney's fee may be $25; if prosecuted under section 1 of the act of June 27, 1890, the fee is $10.[1]

CLAIMS FOR RESTORATION AND RENEWAL.

482. Application for restoration of pension (sec. 4719, R. S.) must be submitted by a declaration executed as in an original claim; setting forth fully the reasons for failure to draw pension, accompanied by evidence satisfactorily accounting for such failure.

483. The act of March 3, 1901, amending section 4708, Revised Statutes, provides for renewal of pension to certain remarried widows on renewed widowhood. The applicant under these acts must show that she was the wife of the officer, soldier, or sailor during the period of his service in a war; that she was pensioned as his widow by reason of his death being due to disability of service origin in such war; that her name was dropped from the roll by reason of her remarriage to another person who has since died, or from whom she has been divorced upon her application, and without fault on her part; and that she is without means of support other than her daily labor and a net income not exceeding $250 per annum. The fact that the widow was originally barred from pension by the terms of the act of March 3, 1865, by reason of her remarriage, does not deprive her of title to pension under the amendatory act of February 28, 1903.

PENSIONS TO ARMY NURSES.

484. *Act of August 5, 1892.*—By this act all women employed by the Surgeon General of the Army as nurses during the late War of the Rebellion, for a period of six months or more, and who were honorably relieved from such service, are entitled to a pension, provided they are unable to earn a support.

DROPPING, RECOVERY, SUSPENSION, AND RECOUPMENT.

485. Under the provisions of the act of December 21, 1893, any pension heretofore or that may be hereafter granted to any applicant under any law of the United States, shall be deemed to be a vested right in the grantee to that extent that payment thereof shall not be withheld or suspended until, after due notice to the grantee of not less than 30 days, the commissioner, after hearing all the evidence, shall decide to annul, vacate, modify, and set aside the decision upon which such pension was granted.

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[1] Claims filed after June 27, 1890, are adjudicated under sec. 4707, R. S., as amended by sec. 1, act June 27, 1890, the attorney fee being limited to $10.

486. Such notice to grantee must contain a full and true statement of any charges or allegations upon which such decision granting such pension shall be sought to be in any manner disturbed or modified.

487. All cases in which these questions arise are to be determined by the Board of Review or by the medical referee, as the case may be, and where dropping, reduction, or recoupment is proposed, the evidence furnished tending to show absence of title or that the rate of pension now pending is excessive should be brought to the personal attention of the commissioner.

488. Pension paid in consequence of fraud on the part of the pensioner or of a mistake of fact in the adjudication of the claim may be recovered by withholding accruing pension.

CLAIMS FOR SHARE OF PENSION PAID TO INMATES OF THE GOVERNMENT HOSPITAL FOR THE INSANE.

489. *Act of February 2, 1909.*—By the terms of this act, the pension accruing to an inmate of the Government Hospital for the Insane must be paid to the superintendent or disbursing agent of such hospital, and the money so paid shall be disbursed and used, under the regulations prescribed by the Secretary of the Interior, for the benefit of the pensioner, and in the case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any, in the order named. All questions affecting the right of a claimant to a share of the pension of an inmate of the hospital are determined upon evidence submitted to the Commissioner of Pensions, in accordance with the practice obtaining in such cases. The findings of the Commissioner of Pensions upon the evidence are submitted to the Secretary of the Interior for approval, and, upon the latter's direction, the disbursing officers of said hospital shall make proper distribution of the pension money to the dependents enumerated in said act.

490. Applications to the Commissioner of Pensions for allotment of a share of the pension in cases under the act of February 2, 1909, should be made under oath, and the applicant should state the relationship to the insane person, the certificate number of such person, if known, the aggregate value of all property owned by the applicant, as well as the sources of income and means of support of said applicant. All allegations should be sustained by the testimony of persons competent to testify from personal knowledge of the facts, and the witnesses should state their ages, means of knowledge of the facts to which they testify, and their post-office addresses, giving the street and number, or rural free-delivery route, if any. In case the application is made by the wife, she should furnish evidence of marriage in the manner and order provided for in sec. 453. If either applicant or pensioner had been previously married, the death or divorce of the former consort should be proved; in case of death, preferably by verified copy of the public or church record, or by the testimony of credible witnesses; and, in case of divorce, by a certified copy of the decree of the court. If there was no prior marriage on the part of the applicant or the pensioner, this fact should be shown by the testimony of at least two credible witnesses who have known the applicant and the pensioner from the time they became of marriageable age.

491. In the cases of minor children or dependent parents, the relaonship of the applicants to the pensioner must be satisfactorily own.

492. The application and the evidence necessary to establish the aim should be filed at the same time.

LAIMS FOR PAYMENT OF PENSION TO WIVES OF INSANE PENSIONERS, OR TO WIVES OF PENSIONERS UNDERGOING SENTENCE OF IMPRISONMENT.

493. *Act of August 8, 1882.*—Where an insane invalid pensioner as no guardian, and has a wife or children dependent upon him, the ife being a woman of good character, the Commissioner of Pensions authorized, in his discretion, to cause the pension to be paid to the ife, upon her properly executed voucher, or, if there is no wife, to e guardian of the children, upon his properly executed voucher, nd, in like manner, to make payment of the pension due invalid ensioners who are imprisoned for offenses against the law, to their ives, or the guardians of their children.

Under this statute evidence showing the pensioner's insanity or nprisonment, and, in the case of a wife, her good character, as well s the proof required in claims under the act of February 2, 1909, bove, must be furnished.

ACCRUED AND REIMBURSEMENT CLAIMS.

494. *Act of March 2, 1895.*—An accrued pension is payable, under he terms of this act, whether the certificate issues prior or subsequent o the death of the soldier entitled to the pension, first, to his widow, econd, if there is no widow, to his child or children under 16 years of ge, third, in case of a widow, to her minor children by the soldier ho were under 16 years of age at the date of her death. No other erson is entitled to receive the accrued pension, as a matter of ight, nor is it considered a part of the assets of the estate of the eceased pensioner. It is not liable for the debts of the estate, in ny case whatsoever, but inures to the sole and exclusive benefit of he widow or children. The proof necessary to establish a claim for ccrued pension is identical with that required to establish the claim f a widow or minor child to original pension, in so far as the relaionship of the claimant for the accrued pension to the pensioner is oncerned.

495. A claim for reimbursement may be made by the person who ore the expenses of the last sickness and burial of any pensioner who ied, leaving no widow, or child under 16 years of age, surviving, rovided the pensioner did not leave sufficient assets to meet such xpenses. An application for reimbursement should be accompanied y the following evidence:

Bills of all expenses of last sickness and burial.—If paid by the laimant for reimbursement the bills must be properly receipted o said claimant. If unpaid, the parties to whom said bills are due hould note on each bill, over their signatures, that they hold the laimant responsible for the payment. If the bill be for medical reatment it must show the dates of visits or treatment and the charge

for each. A bill for nursing and care must show the dates between which the services were rendered, and the rate per day or week. The bill of the undertaker must be itemized, and show the date on which the services were rendered.

Each bill must show that the service was rendered for the pensioner on account of whom reimbursement is claimed.

All claims should be presented in the name of one person.

Bills which are forwarded become a part of the records of the Bureau of Pensions, and can not be returned. Claimants should therefore secure duplicates of such bills if needed by them.

If the pension certificate which was issued in the name of the pensioner is not in possession of the claimant a statement showing its whereabouts or final disposition should be made.

496. In claims for accrued pension or for reimbursement under the act of March 2, 1895, a formal declaration is not necessary. All that is required in these cases is that the applicant shall be properly identified by the evidence as the person entitled to the accrued pension or reimbursement.

497. The mailing of a pension check in payment of pension due, issued on voucher, constitutes payment in the event of the death of the pensioner subsequent to the execution of the voucher therefor.

498. (*a*) In nonvoucher cases the proper delivery of a pension check during the lifetime of the pensioner constitutes payment in the event of the death of the pensioner prior to indorsement thereof. In such cases the checks become a part of the assets of the estate of the deceased pensioner.

(*b*) All inquiries relative to the payment of such checks should be addressed to the Auditor for the Interior Department, Treasury Department.

WITNESSES AND TESTIMONY.

499. A declaration executed before an officer who is claimant's attorney is accepted by the Bureau of Pensions as good and valid, but under the practice such magisterial act vacates any rights which may be conferred on him in the power of attorney therein embodied.

500. Evidence executed before an officer who is claimant's attorney or before any person who has a manifest interest therein shall not be considered. It is held by the Secretary of the Interior, however, that evidence so executed, wherein the certificate of such officer contains a clause setting forth that "he is in nowise interested in the claim nor concerned in its prosecution" is good and valid, but the rights such officer may have had as attorney in the case are thereby abandoned. All certificates of executing officers should certify that they have no interest in the claim.

501. Every fact required to be proved should be shown by the best evidence obtainable. Every witness should state whether he has any interest, direct or indirect, in the prosecution of the claim in which he may testify; whether he is related to the claimant, and if so, how; and should give his post-office address, with street and number, or rural free-delivery route, if any.

502. Witnesses should not merely confirm the statements of other parties, but should give a detailed statement of the facts known to them in regard to the matter concerning which they testify, and

should state how they obtained a knowledge of such facts. The officer taking the deposition or affidavit should certify in his own handwriting as to his knowledge of the credibility of the witnesses. If they sign by mark, the signature must be attested by two witnesses who write, and the officer must certify that the contents of their depositions or affidavits were read to them before he administered the oath.

503. Affidavits should be free from interlineations and erasures. When an alteration is made in an affidavit, or an addition is made thereto, it must appear by the certificate of the officer who administered the oath that such alteration or addition was made with the knowledge and sworn consent of the affiant.

504. In all affidavits from surgeons or physicians the portion detailing the nature of the disability, dates of treatment, and date of death, symptoms and opinions as to connection between diseases or injury and disease should be in the handwriting of the party by whom it is signed. The testimony of any person testifying as an expert should be prepared by some one professionally competent to do so.

505. The official certificates of judicial officers using a seal or of commissioned officers of the Army or Navy in actual service shall be accepted without being sworn to, but all other witnesses must testify under oath.

COPIES OF RECORDS AND PAPERS.

506. (*a*) *Act of August 24, 1912.*—Copies of the bureau records may, when not deemed prejudicial to the interests of the Government, be furnished at the rate of 15 cents for each 100 words copied, or 15 cents for each sheet photographed, with 25 cents additional for each certificate of verification and the seal of the bureau attached to authenticated copies. Authenticated copies are to be admitted in evidence equally with the originals thereof.

(*b*) The papers, copies of which are desired, should be clearly specified, and the name of the soldier upon whose service the claim was based, the designation of the organization in which he served, and, if possible, the number of the claim or the certificate should be stated, in order that the case may be identified and unnecessary delay avoided; and the purpose for which such copies are desired should be definitely stated.

507. *Act of May 11, 1912.*—Section 5, as amended March 4, 1913, provides that a record be kept of Civil and Mexican War pensioners under said acts, showing the name, length of service, and age of each pensioner, the monthly rate of pension paid to him and the county and State of his residence, and that certified copies thereof be furnished upon demand and payment of such fee therefor as is provided by act of August 24, 1912.

508. Post-office addresses are charged for at the rate of 15 cents each, but may be furnished free where requested by a claimant for pension in securing evidence in the prosecution of his claim.

MISCELLANEOUS.

509. Applications for certificate of service in lieu of lost discharge should be filed with the Adjutant General, United States Army, War

Department, in Army cases, and with the Chief of the Bureau of Navigation, Navy Department, in Navy cases.

510. Applications for back pay, extra pay, or bounty money for military service should be filed with the Auditor for the War Department; for bounty, extra pay, or prize money for naval service with the Auditor for the Navy Department.

511. Applications for artificial limbs or mechanical appliances should be filed with the Surgeon General, United States Army, War Department.

512. Applications for headstones for graves of deceased soldiers should be filed with the Chief, Quartermaster's Corps, United States Army, War Department.

IMPORTANT.

NOTE.—The law provides that existing pension laws shall not be applicable to any person in the active military or naval service on the 6th day of October, 1917, or thereafter, or to their widows, children, or dependents, except in so far as rights under any such law may have accrued prior to that date.

No application should be made to this Bureau for pension based on a service which was not wholly completed and terminated prior to October 6, 1917.

Applications for "compensation," based on a service which terminated after October 5, 1917, should be sent to "The Bureau of War Risk Insurance, Washington, D. C.," as should also inquiries in regard to war-risk insurance and soldiers' allotments and family allowances.

SUPPLEMENT.

LAWS RELATING TO PENSIONS ENACTED AFTER JANUARY 3, 1916, AND PRIOR TO JANUARY 2, 1917.

DUPLICATE OF LOST CHECK; HOW OBTAINED.

ACT OF MARCH 21, 1916, AMENDING SECTION 3646, REVISED STATUTES (39 STAT. L., 37).

SEC. 3646. That whenever any original check is lost, stolen, or destroyed disbursing officers and agents of the United States are authorized, within three years from the date of such check, to issue a duplicate check, under such regulations in regard to its issue and payment, and upon the execution of such bond, with sureties, to indemnify the United States, and proof of loss of original check, as the Secretary of the Treasury shall prescribe: *Provided*, That whenever any original check or warrant of the Post Office Department has been lost, stolen, or destroyed the Postmaster General may authorize the issuance of a duplicate thereof, at any time within three years from the date of such original check or warrant, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *Provided further*, That when such original check or warrant does not exceed in amount the sum of $50 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a duplicate check or warrant upon such an affidavit as he may describe, to be made before any postmaster by the payee or owner of an original check or warrant.

MEDAL OF HONOR ROLL; SPECIAL PENSION OF $10.

ACT APRIL 27, 1916 (39 STAT. L., 53).

That there is hereby established in the War Department and Navy Department, respectively, a roll designated as "the Army and Navy medal of honor roll." Upon written application made to the Secretary of the proper department, and subject to the conditions and requirements hereinafter contained, the name of each surviving person who has served in the military or naval service of the United States in any war, who has attained or shall attain the age of sixty-five years, and who has been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty, and who was honorably discharged from service by muster out, resignation, or otherwise, shall be, by the Secretary of the proper department, entered and recorded on said roll. Applications for entry on said roll shall be made in such

form and under such regulations as shall be prescribed by the War Department and Navy Department, respectively, and proper blanks and instructions shall be, by the proper Secretary, furnished without charge upon request made by any person claiming the benefits of this Act.

SEC. 2. That it shall be the duty of the Secretary of War and of the Secretary of the Navy to carry this Act into effect and to decide whether each applicant, under this Act, in his department is entitled to the benefit of this Act. If the official award of the medal of honor to the applicant, or the official notice to him thereof, shall appear to show that the medal of honor was awarded to the applicant for such an act as is required by the provisions of this Act, it shall be deemed sufficient to entitle the applicant to such special pension without further investigation. Otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence now on file in any public office or department shall be considered. A certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the medal of honor was awarded, and of enrollment under this Act, and of the right of the special pensioner to be entitled to and to receive the special pension herein granted, shall be furnished each person whose name shall be so entered on said roll. The Secretary of War and the Secretary of the Navy shall deliver to the Commissioner of Pensions a certified copy of each of such of said certificates as he may issue, as aforesaid, and the same shall be full and sufficient authority to the Commissioner of Pensions for the payment by him to the beneficiary named in each such certificate the special pension herein provided for.

SEC. 3. That each such surviving person whose name shall have been entered on said roll in accordance with this Act shall be entitled to and shall receive and be paid by the Commissioner of Pensions in the Department of the Interior, out of any moneys in the Treasury of the United States not otherwise appropriated, a special pension of $10 per month for life, payable quarter yearly. The Commissioner of Pensions shall make all necessary rules and regulations for making payment of such special pensions to the beneficiaries thereof.

Such special pension shall begin on the day that such person shall file his application for enrollment on said roll in the office of the Secretary of War or of the Secretary of the Navy after the passage and approval of this Act, and shall continue during the life of the beneficiary.

Such special pension shall not deprive any such special pensioner of any other pension or of any benefit, right, or privilege to which he is or may hereafter be entitled under any existing or subsequent law, but shall be in addition thereto.

The special pension allowed under this Act shall not be subject to any attachment, execution, levy, tax, lien, or detention under any process whatever.

SEC. 4. That in case any person has been awarded two or more medals of honor, he shall not be entitled to and shall not receive more than one such special pension.

Rank in the service shall not be considered in applications filed hereunder.

MEDAL OF HONOR PENSIONS; HOW PAID.

ACT JUNE 30, 1916 (39 STAT. L., 242).

And provided further, That all allowances made, or hereafter to be made, to medal of honor pensioners under the Act of Congress approved April twenty-seventh, nineteen hundred and sixteen, shall be paid from the moneys appropriated for the payment of invalid and other pensions, and section three of the said Act of April twenty-seventh, nineteen hundred and sixteen, is amended accordingly.

NATIONAL GUARD DRAFTED INTO SERVICE OF UNITED STATES.

ACT JUNE 3, 1916 (39 STAT. L., 211).

SEC. 112. *Rights to pensions.*—When any officer or enlisted man of the National Guard drafted into the service of the United States in time of war is disabled by reason of wounds or disability received or incurred while in the active service of the United States in time of war, he shall be entitled to all the benefits of the pension laws existing at the time of his service, and in case such officer or enlisted man dies in the active service of the United States in time of war or in returning to his place of residence after being mustered out of such service, or at any other time in consequence of wounds or disabilities received in such active service, his widow and children, if any, shall be entitled to all the benefits of such pension laws.

NATIONAL GUARD, ORGANIZED MILITIA, AND MILITIA RESERVES.

JOINT RESOLUTION JULY 1, 1916 (39 STAT. L., 340).

SEC. 2. That the provisions of section one hundred and twelve of the national defense Act of June third, nineteen hundred and sixteen, shall be applicable to any officer or enlisted man drafted into the service of the United States pursuant to the provisions of this joint resolution.

DISABILITY OR DEATH DUE TO AVIATION ACCIDENT, DOUBLE PENSION.

ACT AUGUST 29, 1916 (39 STAT. L., 585).

In all cases where an officer or enlisted man or student flyer of the Navy or Marine Corps dies, or where a student flyer or an enlisted man of the Navy or Marine Corps is disabled by reason of any injury received or disease contracted in line of duty, the result of an aviation accident, received while employed in actual flying in or in handling aircraft, the amount of pension allowed shall be double that authorized to be paid should death or the disability have occurred by reason of an injury received or disease contracted in line of duty not the result of an aviation accident.

REPEAL OF SECTION 4716, REVISED STATUTES.[1]

ACT AUGUST 29, 1916 (39 STAT. L., 649).

That section forty-seven hundred and sixteen of the Revised Statutes be, and the same is hereby repealed.

[1] See page 95.

INCREASED RATE TO CERTAIN WIDOWS; PENSIONS FOR CERTAIN REMARRIED WIDOWS; ACT OF APRIL 19, 1908, AMENDED AS TO DATE OF MARRIAGE.

ACT OF SEPTEMBER 8, 1916 (39 STAT. L., 844).

That from and after the passage of this Act the rate of pension for a widow, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereinafter provided, who was the lawful wife of any officer or enlisted man in the Army, Navy, or Marine Corps of the United States, during the period of his service in the Civil War, shall be $20 per month, and the rate of pension for a widow of an officer or enlisted man of the Army, Navy, or Marine Corps of the United States, who served in the Civil War, the War with Mexico, or the War of Eighteen hundred and twelve, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereafter provided, who has reached or shall hereafter reach the age of seventy years shall be $20 per month; and nothing herein shall be construed to affect the existing allowance of $2 per month for each child under the age of sixteen years and for each helpless child; and all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed: *Provided, however*, That this Act shall not be so construed as to reduce any pension under any Act, public or private.

SEC. 2. That any widow of an officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States during the Civil War whose name was placed or shall hereafter be placed on the pension roll, under any existing law, and whose name has been or shall hereafter be dropped from said pension roll by reason of her marriage to another person who has since died or shall hereafter die, or from whom she has been heretofore or shall be hereafter divorced upon her own application and without fault on her part, shall be entitled to have her name again placed on the pension roll at the rate allowed by the law under which she was formerly pensioned, and the law or laws amendatory thereof, unless she be entitled to a greater rate of pension under the provisions of section one of this Act, such pension to commence from the date of filing her application in the Bureau of Pensions after the passage of this Act: *Provided, however*, That where the pension of said widow on her second or subsequent marriage has accrued to a helpless or idiotic child, or a child or children under the age of sixteen years, she shall not be entitled to renewal under this Act unless said helpless or idiotic child, or child or children under sixteen years of age, be then a member or members of her family and cared for by her, and upon the renewal of pension to said widow payment of pension to said child or children shall cease: *And provided further*, That the provisions of this Act shall be extended to those widows, otherwise entitled, whose husbands died of wounds, injuries, or disease incurred during the period of their military or naval service, but who were deprived of pension under the Act of March third, eighteen hundred and sixty-five, because of their failure to draw any pensions by reason of their remarriage, and to any person who was lawfully married to an officer or enlisted man, who served in the Army, Navy, or Marine Corps of the United States during the Civil War and was honorably discharged therefrom and has since deceased, and who, having remarried since his death is

again a widow, or has been divorced from her last husband upon her own application without fault on her part and who, otherwise entitled, was barred by reason of such remarriage from receiving pension under any existing law.

SEC. 3. That any widow, as described in section two of the Act approved April nineteenth, nineteen hundred and eight, who married the soldier or sailor prior to June twenty-seventh, nineteen hundred and five, shall have title to pension under the provisions of said section of said Act, to commence from the date of filing her application in the Bureau of Pensions after the passage of this Act: *Provided, however*, That where a pension has been granted to a soldier's or sailor's helpless or idiotic child or children, or child or children under the age of sixteen years, his widow shall not be entitled to pension under this section, unless the pension to such child or children has terminated, or unless such child or children be a member or members of her family and cared for by her, and upon allowance of pension to the widow, payment of pension to such child or children shall cease.

SEC. 4. That no claim agent or attorney shall be recognized in the adjudication of claims under the first section of this Act, nor shall any claim agent or attorney be recognized in the adjudication of claims under the second section of this Act for renewal of pension previously allowed, and in claims for original pension under section two of this Act no greater sum than $10 shall be allowed for services in preparing, presenting, or prosecuting such claim, which sum shall be payable only upon the order of the Commissioner of Pensions under such rules and regulations as he may deem proper to make.

BUREAU OF EFFICIENCY; SYSTEM OF PAYING PENSIONS.

ACT OF SEPTEMBER 8, 1916 (39 Stat. L., 801).

The sum of $4,000 appropriated by the deficiency appropriation Act approved March fourth, nineteen hundred and fifteen, for the purchase, rental, exchange, and remodeling of labor-saving machinery, equipment, and supplies necessary to enable the Bureau of Efficiency to demonstrate an improved system of paying pensions is reappropriated and made available for expenditure during the fiscal year nineteen hundred and seventeen: *Provided*, That the equipment purchased hereunder shall become the property of the Bureau of Pensions when the demonstration is completed: *Provided further*, That the Bureau of Efficiency shall investigate the business methods of the Bureau of Pensions and prepare recommendations for the improvement thereof and submit the same to the Secretary of the Interior as early as practicable for his approval.

PENSIONS TO INMATES OF NATIONAL SOLDIERS' HOME.

AMENDMENTS TO ACTS OF FEBRUARY 26, 1881, AND AUGUST 7, 1882.

[See page 89 of this pamphlet.]

The provisions of the Act of February 26, 1881, and the act of August 7, 1882, as to "Pensions of Inmates of National Soldiers' Home," were modified by the act of July 1, 1902, 32 Stat. L., 564, as follows:

"Hereafter any balance of pension money due a member of the National Home for Disabled Volunteer Soldiers at the time of his death shall be paid to his widow, minor children or dependent mother or father in the order named, and should no widow, minor child, or dependent parent be discovered within one year from the time of the death of the pensioner, said balance shall be paid to the post fund of the Branch of said National Home of which the pensioner was a member at the time of his death, to be used for the common benefit of the members of the Home under the direction of the Board of Managers, subject to future reclamation by the relatives hereinbefore designated, upon application filed with the Board of Managers within five years after the pensioner's death."

PENSIONS TO SURVIVORS OF CERTAIN INDIAN WARS FROM JANUARY 1, 1859, TO JANUARY, 1891, ETC.

Act of March 4, 1917 (39 Stat. L., 1199).

That the provisions, limitations, and benefits of an Act entitled "An Act granting pensions to survivors of the Indian wars of eighteen hundred and thirty-two to eighteen hundred and forty-two, inclusive, known as the Black Hawk War, Creek War, Cherokee disturbances, and the Seminole War," approved July twenty-seventh, eighteen hundred and ninety-two, as amended on February nineteenth, nineteen hundred and thirteen, be, and the same are hereby, extended from the date of the passage of this Act to the surviving officers and enlisted men of the Texas volunteers who served in defense of the frontier of that State against Indian depredations from January first, eighteen-hundred and fifty-nine, to January first, eighteen hundred and sixty-one, inclusive, and from the year eighteen hundred and sixty-six to the year eighteen hundred and seventy-seven, inclusive, and to the surviving officers and enlisted men, including militia and volunteers of the military service of the United States, who have reached the age of sixty-two years, and who served for thirty days in the campaign in southern Oregon and Idaho and northern parts of California and Nevada from eighteen hundred and sixty-five to eighteen hundred and sixty-eight, inclusive; the campaign against the Sioux in Minnesota and the Dakotas in eighteen hundred and sixty-two and eighteen hundred and sixty-three, and the campaigns against the Sioux in Wyoming in eighteen hundred and sixty-five to eighteen hundred and sixty-eight; to the following organizations of the First Regiment Nebraska Militia engaged in fighting Indians and guarding United States mails on the western frontier: Company A, First Regiment, First Brigade

Nebraska Militia, who served from August thirtieth, eighteen hundred and sixty-four, to November twelfth, eighteen hundred and sixty-four; Company B, First Regiment Nebraska Militia, who served from August thirteenth, eighteen hundred and sixty-four, to February thirteenth, eighteen hundred and sixty-five; Company C, First Regiment, Second Brigade Nebraska Militia, who served from August twenty-fourth, eighteen hundred and sixty-four, to February seventh, eighteen hundred and sixty-five; to Captain Edward P. Childs's artillery detachment, Nebraska Militia, who served from August thirtieth, eighteen hundred and sixty-four, to November twelfth, eighteen hundred and sixty-four; and Company A, First Regiment, Second Brigade Nebraska Militia, who served from August twelfth, eighteen hundred and sixty-four, to December twenty-fourth, eighteen hundred and sixty-four; the campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches in Kansas, Colorado, and Indian Territory from eighteen hundred and sixty-seven to eighteen hundred and sixty-nine, inclusive; the Modoc War of eighteen hundred and seventy-two and eighteen hundred and seventy-three; the campaign against the Apaches of Arizona and New Mexico, or either of them, in eighteen hundred and seventy-three; the campaign against the Kiowas, Comanches, and Cheyennes in Kansas, Colorado, Texas, Indian Territory, and New Mexico in eighteen hundred and seventy-four and eighteen hundred and seventy-five; the campaign against the Northern Cheyennes and Sioux in eighteen hundred and seventy-six and eighteen hundred and seventy-seven; the Nez Perce War of eighteen hundred and seventy-seven; the Bannock War of eighteen hundred and seventy-eight; the campaign against the Northern Cheyennes in eighteen hundred and seventy-eight and eighteen hundred and seventy-nine; the campaigns in the Black Hawk Indian war in Utah from eighteen hundred and sixty-five to eighteen hundred and sixty-seven, inclusive; the campaign against the Ute Indians in Colorado and Utah, from September, eighteen hundred and seventy-nine, to November, eighteen hundred and eighty, inclusive; the campaign against the Apache Indians in Arizona and New Mexico, or either of them, in eighteen hundred and eighty-five and eighteen hundred and eighty-six; and the campaign against the Sioux Indians in South Dakota, from November, eighteen hundred and ninety, to January, eighteen hundred and ninety-one, inclusive; and also to include the surviving widows of said officers and enlisted men who shall have married said survivor prior to the passage of this Act: *Provided*, That such widows have not remarried: *Provided further*, That this Act shall extend also to the surviving officers and enlisted men of the organization known as Tyler's Rangers, recruited at Black Hawk, Colorado, eighteen hundred and sixty-four, for services against the Indians: *Provided further*, That if any certain one of the said campaigns did not cover a period of thirty days, the provisions of this Act shall apply to those who served during the entire period of said campaign: *Provided further*, That where there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this Act, the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service: *And provided further*, That all contracts heretofore made

between the beneficiaries under this Act and pension attorneys and claim agents are hereby declared null and void.

SEC. 2. That the period of service performed by beneficiaries under this Act shall be determined by reports from the records of the War Department, where there is such a record, and by the reports from the records of the Treasury Department showing payment by the United States where there is no record of regular enlistment or muster into the United States military service: *Provided*, That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives: *And provided further*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this Act.

SEC. 3. That the provisions of section forty-seven hundred and sixteen of the Revised Satutes shall not apply to applicants for pension under this Act.

INCREASED RATE OF $25 TO CERTAIN WIDOWS—CIVIL WAR, WAR WITH SPAIN, AND PHILIPPINE INSURRECTION.

ACT OF OCTOBER 6, 1917 (40 STAT. L., 408).

SEC. 314. That from and after the passage of this act the rate of pension for a widow of an officer or enlisted man of the Army, Navy, or Marine Corps of the United States who served in the Civil War, the War with Spain, or the Philippine insurrection, now on the pension roll or hereafter to be placed on the pension roll, and entitled to receive a less rate than hereinafter provided, shall be $25 per month; and nothing herein shall be construed to affect the additional allowance provided by existing pension laws on account of a helpless child or child under sixteen years of age: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private: *And provided further*, That the provisions of this section shall be administered, executed, and enforced by the Commissioner of Pensions.

EXISTING PENSION LAWS NOT APPLICABLE TO PERSONS IN THE ACTIVE SERVICE OCTOBER 6, 1917, OR ENTERING IT THEREAFTER.

PART OF SECTION 312, ACT OF OCTOBER 6, 1917 (40 STAT. L., 408), AS AMENDED BY THE ACT OF JUNE 25, 1918 (40 STAT. L., 613).

SEC. 312. That compensation under this article shall not be paid while the person is in receipt of service or retirement pay. The laws providing for gratuities or payments in the event of death in the service and existing pension laws shall not be applicable after the enactment of this amendment to any person in the active military or naval service on the sixth day of October, nineteen hundred and seventeen, or who thereafter entered the active military or naval service, or to their widows, children, or their dependents, except in so far as rights under any such law have heretofore accrued.

INCREASED RATINGS TO CERTAIN SURVIVORS OF THE CIVIL WAR; AMENDING ACT OF MAY 11, 1912.

ACT OF JUNE 10, 1918 (40 STAT. L., 603).

That the general pension Act of May eleventh, nineteen hundred and twelve, is hereby amended by adding a new section, to read as follows:

"SEC. 6. That from and after the passage of this Act the rate of pension for any person who served ninety days or more in the military or naval service of the United States during the Civil War, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereinafter provided, shall be $30 per month. In case such person has reached the age of seventy-two years and served six months, the rate shall be $32 per month; one year, $35 per month; one and a half years, $38 per month; two years or over, $40 per month: *Provided*, That this Act shall not be so construed as to reduce any pension under any Act, public or private: *Provided further*, That no pension attorney, claim agent, or other person, shall be entitled to receive any compensation for presenting any claim to the Bureau of Pensions under this Act, except in applications for original pension by persons who have not heretofore received a pension.

WAR WITH SPAIN, PHILIPPINE INSURRECTION, AND CHINESE BOXER REBELLION CAMPAIGN—WIDOWS' AND MINORS' PENSIONS.

ACT OF JULY 16, 1918 (40 STAT. L., 903).

That from and after the passage of this act if any volunteer officer or enlisted man who served ninety days or more in the Army, Navy, or Marine Corps of the United States, during the War with Spain or the Philippine insurrection, between April twenty-first, eighteen hundred and ninety-eight, and July fourth, nineteen hundred and two, inclusive, service to be computed from date of enlistment to date of discharge, or any officer or enlisted man of the Regular Establishment who rendered ninety days or more actual military or naval service in the United States Army, Navy, or Marine Corps in the War with Spain or the Philippine insurrection between April twenty-first, eighteen hundred and ninety-eight, and July fourth, nineteen hundred and two, inclusive, or as a participant in the Chinese Boxer rebellion campaign between June sixteenth, nineteen hundred and October first, nineteen hundred, and who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow without means of support other than her daily labor, and an actual net income not exceeding $250 per year, or leaving a minor child or children under the age of sixteen years, such widow shall upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act, at the rate of $12 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man under sixteen years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or

enlisted man under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and shall commence from the date of application therefor after the passage of this act: *Provided further*, That said widow shall have married said officer or enlisted man previous to the passage of this act: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private.

SEC. 2. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $10, which sum shall be payable only on the order of the Commissioner of Pensions; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned not exceeding one year, or both, in the discretion of the court.

AMENDING SECTION 35 OF THE CRIMINAL CODE.

ACT OF OCTOBER 23, 1918 (40 STAT. L., 1015).

That section thirty-five of the Criminal Code of the United States be, and the same hereby is, amended to read as follows:

"SEC. 35. Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, or for the purpose and with the intent of cheating and swindling or defrauding the Government of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry; or whoever shall take and carry away or take for his own use, or for the use of another, with intent to steal or purloin, any personal property of the United States, or any branch or department thereof, or any corporation in which the United States of America is a stockholder; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any cor-

poration in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; and whoever, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, with intent to defraud the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, or willfully to conceal such money or other property, shall deliver or cause to be delivered to any person having authority to receive the same any amount of such money or other property less than that for which he received a certificate or took a receipt; or whoever, being authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, shall make or deliver the same to any other person without a full knowledge of the truth of the facts stated therein and with intent to defraud the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, shall be fined not more than $10,000 or imprisoned not more than ten years, or both. And whoever shall purchase, or receive in pledge, from any person any arms, equipment, ammunition, clothing, military stores, or other property furnished by the United States, under a clothing allowance or otherwise, to any soldier, sailor, officer, cadet, or midshipman in the military or naval service of the United States or of the National Guard or Naval Militia, or to any person accompanying, serving, or retained with the land or naval forces and subject to military or naval law, having knowledge or reason to believe that the property has been taken from the possession of the United States or furnished by the United States under such allowance, shall be fined not more than $500 or imprisoned not more than two years, or both."

ADDENDUM.

PENSIONS IN NAVAL HOME.

ACT OF JUNE 30, 1914 (38 STAT. L., 398).

That the pensions of beneficiaries of the Naval Home shall be disposed of in the same manner as prescribed for inmates of the Soldiers' Home, as provided for in section four of the act approved March third, eighteen hundred and eighty-three, under such regulations as the Secretary of the Navy may prescribe, except that in the case of death of any beneficiary leaving no heirs at law nor next of kin any pension due him shall, subject to the foregoing provisions, escheat to the naval pension fund.

NOTES.

1. The following is added to section 357, page 64:

"Articles of agreement and every power of attorney, in order to be recognized by the bureau, must specify the particular claim in the case to which they are intended to apply."

2. The following is added to section 384, page 67:

"Checks drawn to the order of the estate of a deceased attorney, and fee checks returned because of the death of an attorney, shall be forwarded by the disbursing division to the Auditor for the Interior Department. The disbursing division shall furnish the law division a carbon copy of all letters transmitting such checks to the auditor."

3. The following should be read in connection with section 386, page 67:

"Attorneys or agents shall not use or permit any of their employees to act as identifying or attesting witnesses to any application, affidavit, power of attorney, fee agreement, or other paper filed in the prosecution of a claim for pension or bounty land warrant.

"Attorneys or agents shall not contract for, demand, or receive, directly or indirectly, any compensation whatsoever, for advice or consultation concerning the pension and bounty land laws, except such compensation as may be lawfully paid by order of the Commissioner of Pensions, whether a claim has been or is thereafter filed for the person in whose behalf such advice or consultation is had. Any attorney or agent who shall violate the provisions of this or the preceding section shall be held thereafter incompetent to prosecute claims before the Bureau of Pensions within the meaning of section 5 of the act of July 4, 1884, and shall thereby subject himself to suspension or disbarment to practice before said bureau."

4. The following is added to section 389, page 68:

"Such articles of agreement are accepted as containing a power of attorney when they are not contrary to law or these regulations."

5. The following is added to section 416, page 130:

"An affidavit in support of a claim for pension, or other purpose in the Pension Bureau, must be duly subscribed by the party making the same and sworn to before some officer authorized to administer oaths for general purposes."

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